

IN RE: PETITIONS FOR SPECIAL EXCEPTION \* BEFORE THE  
 AND VARIANCE - E/S York Road, \*  
 164' SE of Aylesbury Road \* DEPUTY ZONING COMMISSIONER  
 (1831 York Road) \*  
 8th Election District \* OF BALTIMORE COUNTY  
 4th Councilmanic District \*  
 \* Case No. 95-210-XA  
 \*  
 Towsontowne Realty, Inc.  
 Petitioner \*

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as Petitions for Special Exception and Variance for that property known as 1831 York Road, located in the vicinity of Timonium. The Petitions were filed by the owner of the property, Towsontowne Realty, Inc., by Francis X. Cuomo Vice President, through their attorney, Newton A. Williams, Esquire. The Petitioner seeks a special exception for a Class B Office Building on the subject property, zoned R.O., and variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 203.4.C.6 to permit a parking area amenity open space of 0% in lieu of the required 7%; from Section 203.4.C.8.c.2 to permit a buffer against R.O. and non-residential zoned land of 5 feet in lieu of the required 10 feet; from Section 409.6 to permit 6 parking spaces in lieu of the required 8; and from Section 203.3.C.2 to permit off-street parking in the front yard in lieu of the required side or rear yard. The subject property and relief sought are more particularly described on the site plan submitted and marked into evidence as Petitioner's Exhibit 1.

Appearing on behalf of the Petitions were Francis X. Cuomo and Carmella Cuomo, principals of Towsontowne Realty, Inc., Vincent Moskunas with M & H Development Engineers, Inc., and Newton A. Williams, Esquire, attorney for the Petitioner. There were no Protestants present.

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Date

By

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Testimony and evidence offered revealed that the subject property consists of a gross area of 0.211 acres, more or less, zoned R.O. and is presently unimproved. The Petitioner proposes to develop the site with a Class B office building, in accordance with Petitioner's Exhibit 1. Testimony indicated that Mr. Cuomo is a State Farm Agent and that he wishes to relocate his office from its present location to the subject site. The proposed two-story office building will be built with a ramp at the front entrance so that it will be accessible to handicapped individuals. The elevations of the proposed building are depicted on Petitioner's Exhibit 1. Further testimony revealed that the Petitioner has met with the community surrounding this site to explain the improvements proposed for the subject property. Testimony indicated that the community does not object, as was evidenced by the fact that no one appeared in opposition to the relief requested. Furthermore, the Petitioner has satisfied the requirements set forth in the various Baltimore County reviewing agency comments.

It is clear that the B.C.Z.R. permits the use proposed in an R.O. zone by special exception. It is equally clear that the proposed use will not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any ad-

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Date 5/24/95  
By [Signature]

verse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

The B.C.Z.R., specifically Section 307.1, established a two-step process for the granting of variances. That two-step process was addressed and identified by the Court of Special Appeals in the case of Cromwell v. Ward, No. 617, September Term, 1994. The opinion in that case, issued January 4, 1995 and authored by the Honorable J. Cathell, interpreted our regulations to require the applicant to establish the following:

First, the Applicant (Petitioner) must prove, and this Deputy Zoning Commissioner must find, that the "property whereon structures are to be placed (or uses conducted) is -- in and of itself-- unique and unusual in a manner different from the nature of surrounding properties such that the uniqueness and peculiarity of the subject property causes the zoning provision to impact disproportionately upon that property."

I find from the testimony and evidence presented in this case that the subject property is unique, unusual and different from properties which surround the subject site so as to cause this applicable zoning provision to impact disproportionately upon this particular parcel of land.

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Date

By

Having satisfied this "first step" the Applicant (Petitioner) must proceed to the "second step" of this variance process, which is to show that strict compliance with the zoning regulations for Baltimore County would result in practical difficulty or unreasonable hardship.

The practical difficulty or unreasonable hardship guidelines that have been imposed by the Baltimore County Zoning Regulations (B.C.Z.R.) have been thoroughly examined and discussed by the appellate courts of this State. In Loyola Federal Savings and Loan Association v. Buschman, 227 Md. 243, 176 A.2d 355 (1961), the Court of Appeals considered the identical regulation to Section 307.1 of the B.C.Z.R.

As the Court noted: "Section 307 of the Regulations uses the two terms (practical difficulty or unreasonable hardship) in the disjunctive." Loyola Federal, p. 358. Thus, by the use of the term "or", Section 307 offers the Petitioner an opportunity to obtain its variance upon satisfaction of either the undue hardship or practical difficulty standard.

The distinction between these standards was clarified by the Court of Special Appeals in Anderson v. Board of Appeals, Town of Chesapeake Beach, 22 Md. App. 28, 322 A.2d 220 (1974). Within that opinion, the Court held that the undue hardship standard applies to a petition for a use variance. The Court noted that a use variance, which permits a use on the property other than that specifically permitted in that particular district, requires the imposition of a higher standard. That is, to allow the change of use for a particular property requires the Petitioner to demonstrate real hardship, where the land cannot allow a reasonable return if used only in accordance with the use restrictions of the ordinance.

Compared with this heavy burden, the Court reviewed the practical difficulty standard applicable for area variances. The Court characterized

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Date

By



area variances as having a much less drastic effect than use variances, in that they seek relief only from height, area, setback, or side property line restrictions and would not affect the property's use, per se. The Court envisioned the impact of area variances on the surrounding locale to be less than that generated by use variances, and thus, the lesser practical difficulty standard applies. The prongs of that standard which must be satisfied by the Petition, as enunciated in Anderson, supra, are as follows:

- 1) whether compliance with the strict letter of restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome;
- 2) whether a grant of the variance applied for would do substantial injustice to applicant as well as to other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson, p. 39. See also McLean v. Soley, 270 Md. 208 (1973) at pps. 214-215.

I find from the testimony and evidence presented at the hearing before me that the Applicants have in fact proven the practical difficulty standards as set forth above and that the variance requested should be granted. I further find that the granting of this variance is in strict harmony with the spirit and intent of the B.C.Z.R. and that the granting of this relief is accomplished without injury to the public health, safety or general welfare.

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Date

By

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the special exception should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 24<sup>th</sup> day of February, 1995 that the Petition for Special Exception for a Class B Office Building on the subject property, zoned R.O., in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 203.4.C.6 to permit a parking area amenity open space of 0% in lieu of the required 7%; from Section 203.4.C.8.c.2 to permit a buffer against R.O. and non-residential zoned land of 5 feet in lieu of the required 10 feet; from Section 409.6 to permit 6 parking spaces in lieu of the required 8; and from Section 203.3.C.2 to permit off-street parking in the front yard in lieu of the required side or rear yard, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:


- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) The Petitioner shall provide additional landscaping along the rear property line of the subject site to buffer the adjoining residential lots.
- 3) When applying for a building permit, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

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IT IS FURTHER ORDERED that the Petitioner shall have five (5) years from the date of this Order in which to utilize the special exception granted herein.

  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING  
Date 2/24/95  
By [Signature]

RECEIVED

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

February 24, 1995

Newton A. Williams, Esquire  
Nolan, Plumbhoff & Williams  
210 W. Pennsylvania Avenue, Suite 700  
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE  
E/S York Road, 164' SE of Aylesbury Road  
(1831 York Road)  
8th Election District - 4th Councilmanic District  
Towsontowne Realty, Inc. - Petitioner  
Case No. 95-210-XA

Dear Mr. Williams:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: Mr. Francis X. Cuomo, Vice President  
Towsontowne Realty, Inc., 5810 York Road, Baltimore, Md. 21212

People's Counsel

File

203



# Petition for Special Exception

95-210-XA

## to the Zoning Commissioner of Baltimore County

for the property located at 1831 York Road

which is presently zoned R.O.

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for Class B, Office Building.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

\_\_\_\_\_  
(Type or Print Name)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Address

\_\_\_\_\_  
City State Zipcode

Legal Owner(s):

Towsontowne Realty, Inc.

\_\_\_\_\_  
(Type or Print Name)

Francis X. Cuomo, V.P.  
Signature Francis X. Cuomo, Vice President

\_\_\_\_\_  
(Type or Print Name)

\_\_\_\_\_  
Signature

5810 York Road, 433-3200  
Address Phone No.

Baltimore, Maryland 21212  
City State Zipcode  
Name, Address and phone number of representative to be contacted.

Newton A. Williams  
Nolan, Plumhoff & Williams, Chartered  
Name  
700 Court Towers, 210 W. Pennsylvania Avenue  
Address  
Towson, Maryland 21204 823-7800  
Phone No.  
OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING \_\_\_\_\_  
unavailable for Hearing

the following dates \_\_\_\_\_ Next Two Months  
ALL \_\_\_\_\_ OTHER \_\_\_\_\_

REVIEWED BY: \_\_\_\_\_ DATE \_\_\_\_\_

Attorney for Petitioner:

Newton A. Williams  
Nolan, Plumhoff & Williams, Chartered  
(Type or Print Name)

Newton A. Williams  
Signature  
700 Court Towers  
210 W. Pennsylvania Avenue, 823-7800  
Address Phone No.  
Towson, Maryland 21204  
City State Zipcode

ORDER RECEIVED FOR FILING  
Date 2/24/95  
By [Signature]

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*Do not set on Jan. 4, 5, 9 or 13  
or on some day as item 200 or  
201, Please Call Newton - 823-7800*

203



# Petition for Variance

95-210-XA

## to the Zoning Commissioner of Baltimore County

for the property located at 1831 York Road

which is presently zoned R.O.

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

See Attached

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

See Attached

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Legal Owner(s)

(Type or Print Name)

Towsontowne Realty, Inc.

(Type or Print Name)

Signature

Signature Francis X. Cuomo, Vice President

Address

(Type or Print Name)

City State Zipcode

Signature

Attorney for Petitioner:

Newton A. Williams  
Nolan, Plumhoff & Williams, Chartered

(Type or Print Name)

5810 York Road, 433-3200

Address

Phone No

Newton A. Williams

Signature

700 Court Towers

210 W. Pennsylvania Ave., 823-7800

Address

Phone No

Towson, Maryland 21204

City

State

Zipcode

Baltimore, Maryland 21212

City

State

Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Newton A. Williams

Nolan, Plumhoff & Williams, Chartered

Name 700 Court Towers, 210 W. Penn. Ave.

Towson, Maryland 21204, 823-7800

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates \_\_\_\_\_ Next Two Months

ALL \_\_\_\_\_ OTHER \_\_\_\_\_

REVIEWED BY: \_\_\_\_\_ DATE \_\_\_\_\_

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Date 2/24/95  
By [Signature]



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Variance Requests for 1831 York Road

203

95-210-KA

1. Parking area amenity open space of zero percent in lieu of the required seven percent, Section 203.4C.6.
2. A buffer against RO, non-residential zoning of five (5) feet in lieu of the required ten (10) feet, Section 203.4C.8.c.2.
3. A parking variance of six (6) spaces in lieu of the required eight (8) spaces, Section 409.6.

4. *From Section 203.3.C.2. TO PERMIT OFF STREET PARKING  
IN THE FRONT YARD IN LIEU OF THE SIDE OR REAR YARD,*

7861C(1)

Reasons For Requested Variances  
At 1831 York Road

203  
95-210-KA

A. As to the amenity open space of seven (7%) percent in the parking lot:

1. The front parking lot is far too small to accommodate internal planting islands, and it would not be practical to place such island in the lot area.

B. As to the buffer against non-residentially zoned property at 1833 York Road, the property is also used for office purposes:

1. The width of the lot at 1831 York Road is too narrow at fifty five (55) feet to accommodate two ten foot buffers and a parking area, with an eighteen foot parking space and a twenty two foot aisleway.

2. Hence a decision was made to place the ten (10) foot buffer against the office property at 1829 York Road.

C. As to the parking space variance of six (6) spaces for eight (8) spaces required:

1. The front yard area is too small to accommodate eight spaces, and there is insufficient room to place a driveway beside the new building to reach the rear yard. With the required 30 foot rear yard and the required 10 feet from the York Road right-of-way line, there is only room for six parking spaces.

2. To place the parking in the rear would require side yard variances and impinge on the residential neighborhoods to the rear.

D. That without the requested variances, the Petitioner would sustain practical difficulty and unreasonable hardship.

E. That the requested variances are not harmful to the health, safety and welfare of the area involved.

7861C(2)

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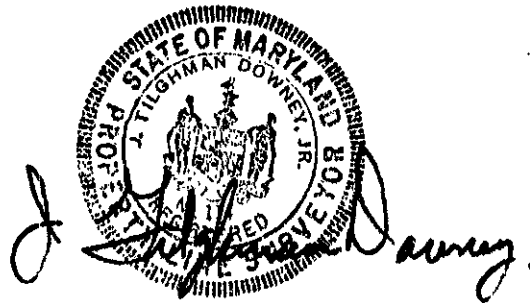


95-210-XA

DESCRIPTION OF PARCEL FOR SPECIAL EXCEPTION AND VARIANCES

BEGINNING at a point on the east side of York Road, 80 feet wide, at a distance of 164 feet, more or less, southeast of the centerline of Aylesbury Road, 50 feet wide; thence N 74° 54' 00" E, 137.24 feet; thence S 15° 06' 00" E, 55.00 feet; thence S 74° 54' 00" W, 136.90 feet to a point on the east side of York Road; thence along the east side of York Road N 15° 27' 22" W, 55.00 feet to the POINT OF BEGINNING, containing 0.173 of an acre, more or less, being known as No. 1831 York Road in the 8th Election District of Baltimore County.

Recorded in the Land Records of Baltimore County in Liber 10222 Folio 667.



J. Tilghman Downey

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**CERTIFICATE OF POSTING**  
**ZONING DEPARTMENT OF BALTIMORE COUNTY**  
Towson, Maryland

95-210-XA

District: 8th Date of Posting: 12/27/94

Posted for: Special Exception & Variance

Petitioner: Towson Frame Realty, Inc.

Location of property: 1831 York Rd., E/S

Location of Signs: Facing roadway on property being zoned

Remarks: \_\_\_\_\_

Posted by: [Signature] Date of return: 12/30/94  
Signature

Number of Signs: 1

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# CERTIFICATE OF PUBLICATION

TOWSON, MD., Dec. 23, 1994

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Dec. 22, 1994.

THE JEFFERSONIAN,

*A. Henickson*  
LEGAL AD. - TOWSON

1000 York Road, 104-88 of  
Arlington Road  
8th Election District  
4th Councilmanic  
Legal Owner(s)  
Towson Towne Realty  
Co.  
Hearing Thursday,  
January 10, 1995 at  
11:00 a.m. in Room 100  
County Office Building

Special Exception for a  
Class B Office Building  
Variance for parking area  
Twenty four spaces of 200  
percent in lieu of the required 7  
percent a buffer space (B.O.)  
on residential zoning of 5 feet  
in lieu of the required 10 feet  
parking variance of 6 spaces in  
lieu of the required 2 spaces  
and to permit on street parking  
in the front yard in lieu of the  
side or rear yard

LAWRENCE E. SCHMIDT  
Zoning Commissioner for  
Baltimore County

NOTES: (1) Hearings are Hand-  
apped Accessible for special ac-  
commodations. Please Call  
87-3333

(2) For information concern-  
ing the Planning Hearing, Please  
Call 87-3333  
12/23/94 December 22



Baltimore County  
Zoning Administration &  
Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

receipt  
95-210-XA

Account: R-001-6150

Number 203

By JLL

Date

12/8/94

SPECIAL EXCEPTION FILING

050

- 300.00

VARIANCE

020

- 250.00

080

- 70.00

2 SIGNS

TOTAL = \$ 620.00

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OWNER: Townsontowne Realty, Inc.

Loc 1831 YORK RD.

03A03#0001MICRC

\$620.00

BA C002#23PM12-08-94

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

**PAYMENT WILL BE MADE AS FOLLOWS:**

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

-----  
For newspaper advertising:

Item No.: 203

Petitioner: Towson Towne Realty, Inc.

Location: 1831 York Road

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Towson Towne Realty, Inc.

ADDRESS: 5810 York Road

Towson, Balt., Md. 21212.

PHONE NUMBER: 433-3200

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TO: PUTUMENT PUBLISHING COMPANY  
December 22, 1994 Issue - Jeffersonian

Please forward billing to:

Towsontowne Realty, Inc.  
5810 York Road  
Baltimore, Maryland 21212  
433-3200

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NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in  
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204  
or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-210-XA (Item 203)  
1831 York Road  
E/S York Road, 164' SE of Aylesbury Road  
8th Election District - 4th Councilmanic  
Legal Owner(s): Towsontowne Realty, Inc.  
HEARING: THURSDAY, JANUARY 19, 1995 at 11:00 a.m. in Room 106, County Office Building.

Special Exception for a Class B Office Building.

Variance for parking area amenity open space of zero percent in lieu of the required 7 percent; a buffer against R.O., non-residential zoning of 5 feet in lieu of the required 10 feet; parking variance of 6 spaces in lieu of the required 8 spaces; and to permit off-street parking in the front yard in lieu of the side or rear yard.

LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

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Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

December 15, 1994

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204  
or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-210-XA (Item 203)

1831 York Road

E/S York Road, 164' SE of Aylesbury Road

8th Election District - 4th Councilmanic

Legal Owner(s): Towsontowne Realty, Inc.

HEARING: THURSDAY, JANUARY 19, 1995 at 11:00 a.m. in Room 106, County Office Building.

Special Exception for a Class B Office Building.

Variance for parking area amenity open space of zero percent in lieu of the required 7 percent; a buffer against R.O., non-residential zoning of 5 feet in lieu of the required 10 feet; parking variance of 6 spaces in lieu of the required 8 spaces; and to permit off-street parking in the front yard in lieu of the side or rear yard.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon  
Director

~~cc:~~ Towsontowne Realty, Inc.  
Newton A. Williams, Esq.

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

RECEIVED



Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

January 12, 1995

Newton A. Williams, Esquire  
210 W. Pennsylvania Avenue  
Towson, Maryland 21204

RE: Item No.: 203  
Case No.: 95-210XA  
Petitioner: Towsontowne Realty

Dear Mr. Williams:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on December 8, 1994.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." The signature is written in a cursive, flowing style.

W. Carl Richards, Jr.  
Zoning Supervisor

WCR/jw  
Attachment(s)





Baltimore County Government  
Fire Department



700 East Joppa Road Suite 901  
Towson, MD 21286-5500

(410) 887-4500

DATE: 01/04/95

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP 1105

RE: Property Owner: TOWSONTOWNE REALTY, INC.

LOCATION: E/S YORK RD., 164' SE OF AYLESBURY RD. (1881 YORK RD.)

Item No.: 203

Zoning Agenda: SPECIAL EXEPTION  
VARIANCE

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

RECEIVED  
JAN 5 1995

ZADM

REVIEWER: LT. ROBERT F. SAUERWALD  
Fire Marshal Office, PHONE 887-4881, RS-1102F

cc: File



BALTIMORE COUNTY, MARYLAND  
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director      DATE: Dec. 27, 1994  
Zoning Administration and Development Management

FROM: *Duf* Robert W. Bowling, P.E., Chief  
Developers Engineering Section

RE: Zoning Advisory Committee Meeting  
for December 27, 1994  
Item No. 203

The Developers Engineering Section has reviewed the subject zoning item. All improvements, intersections, entrances, drainage requirements and construction affecting the York Road, Route 45, right-of-way are subject to the standards, specifications and approval of the Maryland State Highway Administration, in addition to those of Baltimore County.

The proposed commercial entrance shall conform to the Department of Public Works' Road and Street Detail Standard Plate R-32, Single Commercial Entrance.

Also, see Department of Public Works' Storm Drain Design Plate R-19 for minimum drainage requirements thru the lot (specifically minimum 2% slope away from the proposed building).

In addition, the site is subject to the Landscape Manual.

RWB:sw

MICROFILMED

RE: PETITION FOR SPECIAL EXCEPTION	*	BEFORE THE
PETITION FOR VARIANCE		
1831 York Road, E/S York Road, 164' SE of	*	ZONING COMMISSIONER
Aylesbury Road, 8th Election District		
4th Councilmanic	*	OF BALTIMORE COUNTY
Towsontowne Realty, Inc.	*	CASE NO. 95-210-XA
Petitioners		
* * * * *		

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

*Peter Max Zimmerman*  
 \_\_\_\_\_  
 PETER MAX ZIMMERMAN  
 People's Counsel for Baltimore County

*Carole S. Demilio*  
 \_\_\_\_\_  
 CAROLE S. DEMILIO  
 Deputy People's Counsel  
 Room 47, Courthouse  
 400 Washington Avenue  
 Towson, MD 21204  
 (410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16<sup>th</sup> day of January, 1995, a copy of the foregoing Entry of Appearance was mailed to Newton Williams, Esquire, Nolan, Plunhoffs & Williams, 210 W. Pennsylvania Avenue, Suite 700, Towson, MD 21204, attorney for Petitioners.

*Peter Max Zimmerman*  
 \_\_\_\_\_  
 PETER MAX ZIMMERMAN

MICROFILMED

BALTIMORE COUNTY, MARYLAND

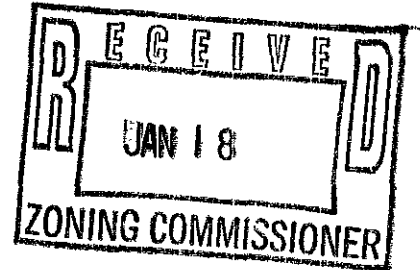
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration &  
Development Management

FROM: Pat Keller, Director  
Office of Planning and Zoning

DATE: January 17, 1994

SUBJECT: 1831 York Road



INFORMATION:

Item Number: 203  
Petitioner: Towsontowne Realty, Inc.  
Property Size: \_\_\_\_\_  
Zoning: R.O.  
Requested Action: \_\_\_\_\_  
Hearing Date:     /    /    

SUMMARY OF RECOMMENDATIONS:

The Planning Office is not opposed to the development of a Class B office building at 1831 York Road. We agree that the narrowness of the property presents a practical difficulty in developing a building of the size proposed by the petitioner. We would prefer a smaller building, with parking to the rear, and the utilization of a shared access drive from York Road, serving both the #1833 and #1831 sites, which are in the same ownership. This would be a benefit to Baltimore County by reducing potential increased traffic congestion on York Road, and improving the corridor's visual appearance.

The adjacent residential community of Northampton, however, is less concerned about the impact of the proposed development on York Road than on neighboring residential properties, and feels that parking in the rear would create negative impacts.

In deference to the communities opinion, we have decided not to oppose the petitioner's requests. However, approval should be conditional upon the following:

- 1) A 20' wide landscaped buffer must be provided along the rear property line,

2) parking lots must be screened in accordance with the landscape manual, 3) street trees must be provided along York Road at 40'± intervals, 4) proposed lighting must be low-level, and directed away from any residential area, and 5) any required storm water management facility will be provided to the rear of the lots, or underground.

Prepared by:

Jeffrey W. Kay

Division Chief:

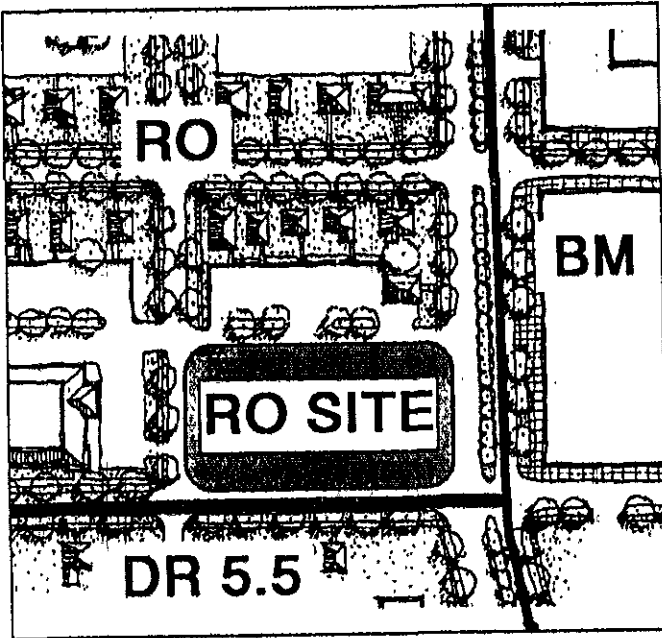
Dany L. Harris

PK/JL:lw

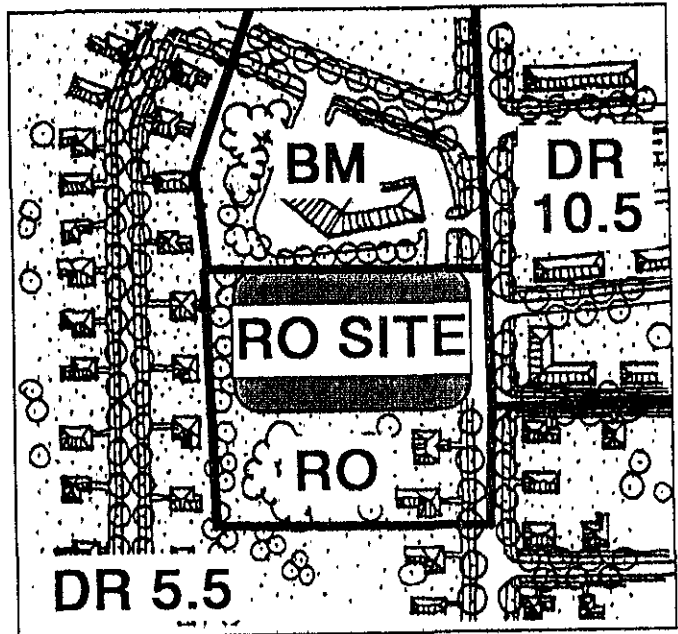
## ZONING CONTEXT for each SITE EXAMPLE

Each site is located adjacent to a Density Residential zone and a Business and/or Office zone. Generally, each zoning pattern is consistent with many sites zoned for office uses in Baltimore County.

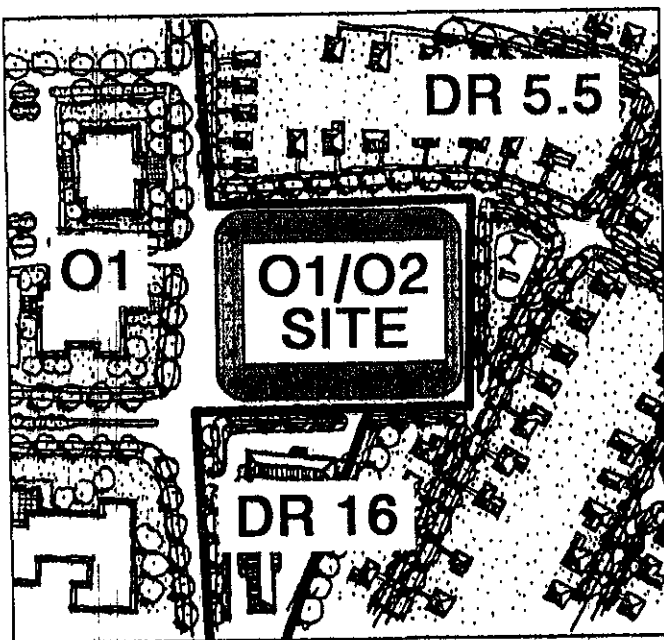
### ● RO 'URBAN' SITE



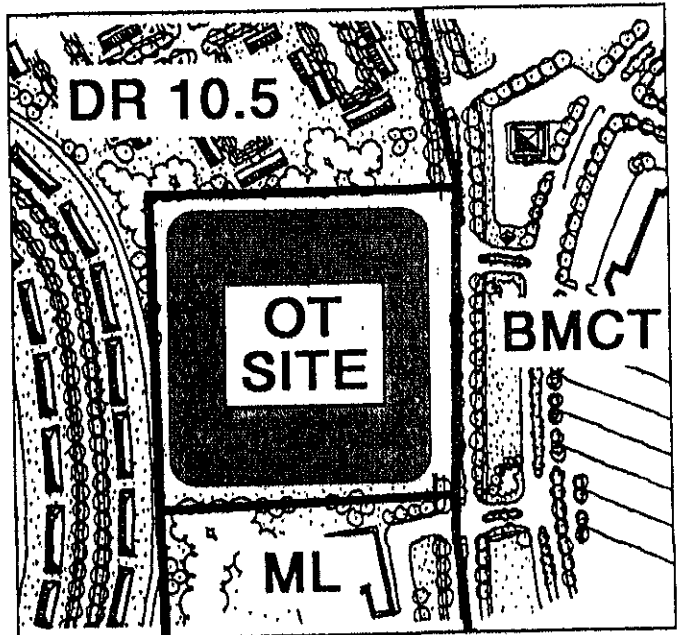
### ● RO 'SUBURBAN' SITE



### ● O1/O2 SITE



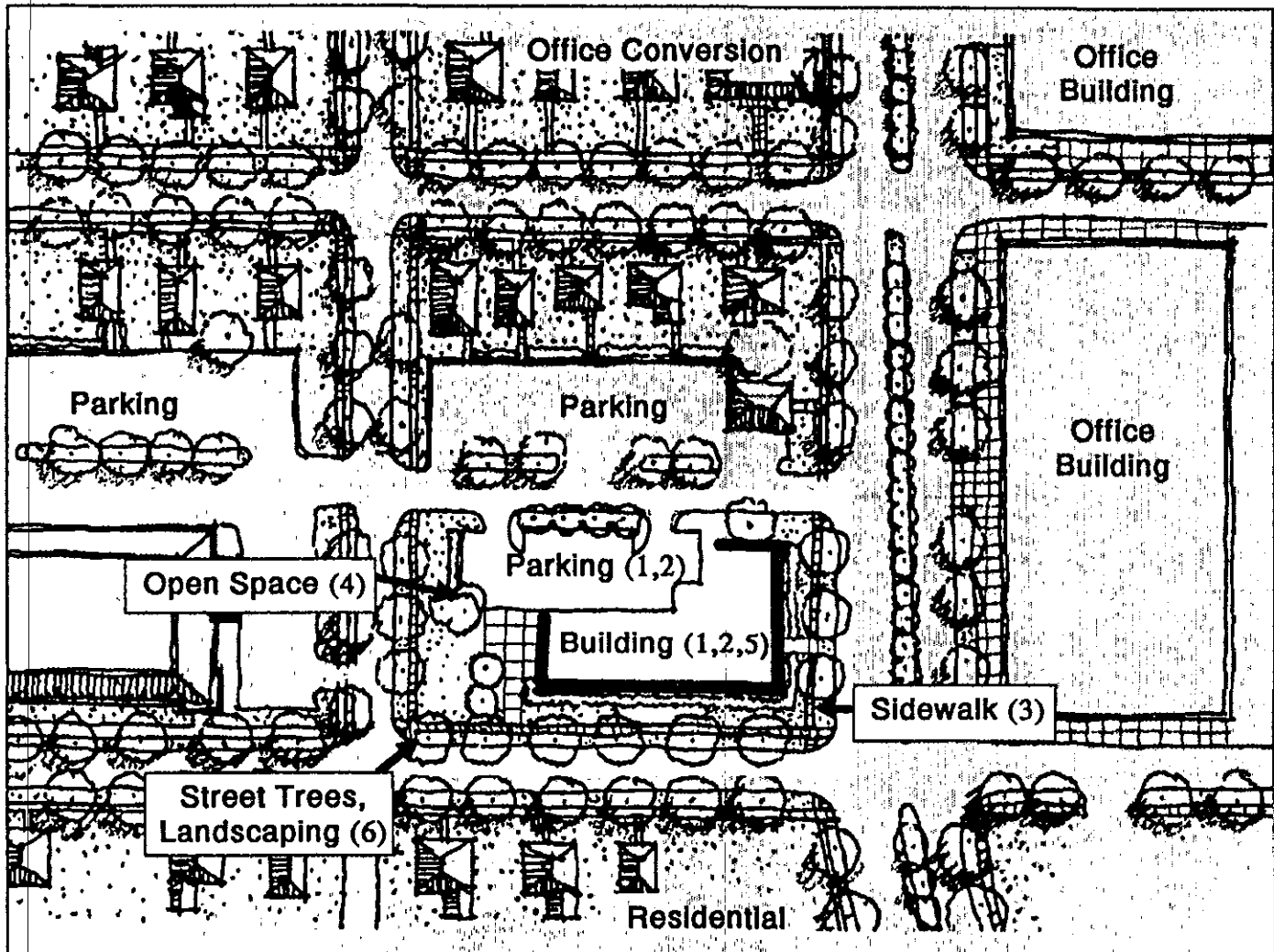
### ● OT SITE



# RO Compatibility

## ● RO 'URBAN' SITE

COMPATIBLE



1. The building location and entry, parking, open space, and access points are patterned after the those in the surrounding blocks.

2. The building is located near the street and faces the front of the site and the major arterial, while the parking area is near the alley with access along the rear yard. This pattern is repeated on the adjacent blocks.

3. The street pattern remains unchanged; vehicular access is maintained along the alley so that no curb cut fronts a single family house. The sidewalks ring the site as is found on the adjacent blocks.

4. The open space is located at the front and residential neighborhood side of the site. The open space takes advantage of a corner to screen the parking area and buffer the building.

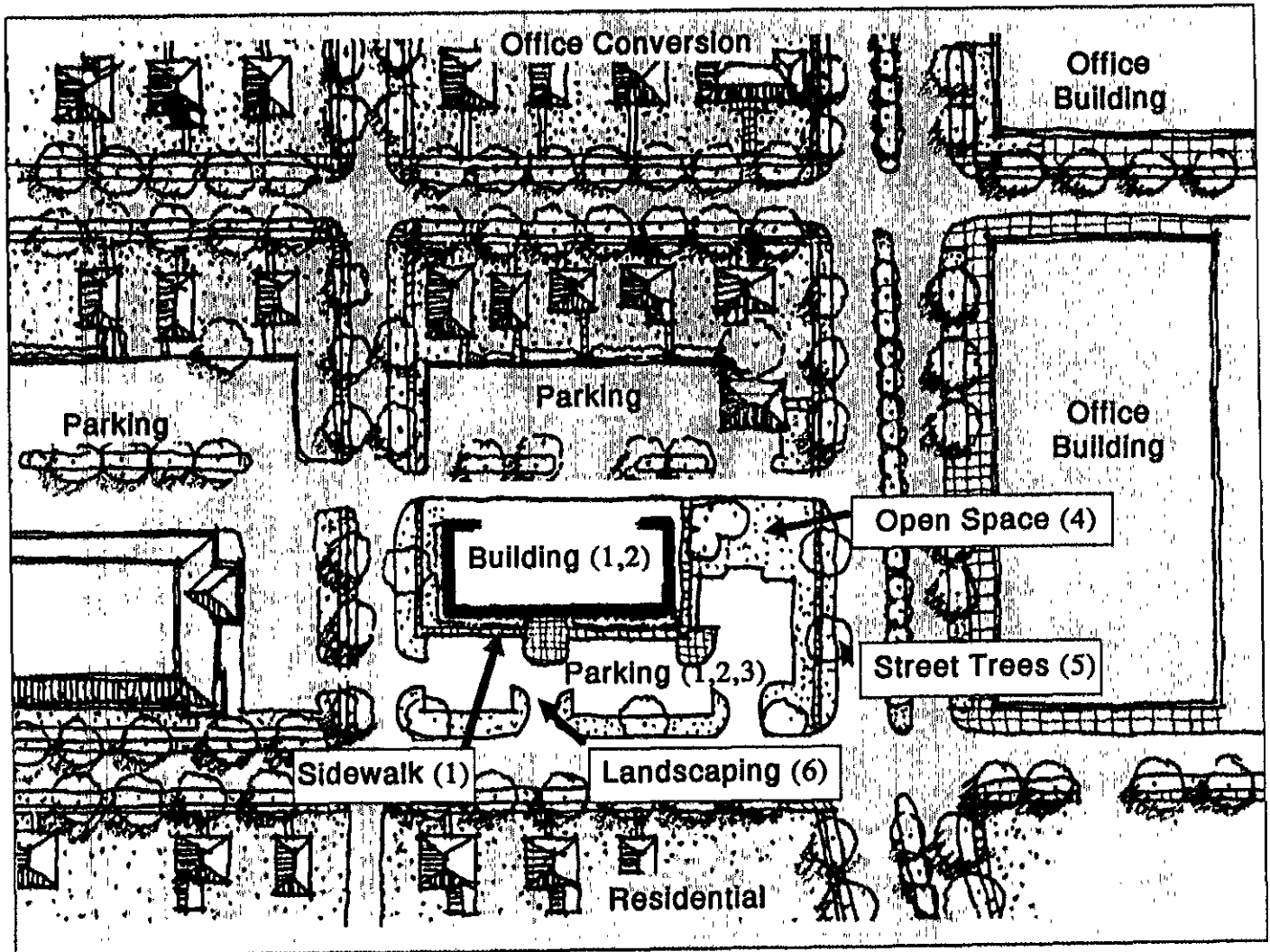
5. The significant features of this site, the alley, and the urban context are maintained and utilized. The building location reinforces the street wall along the major arterial and along the front of the site with a similar front yard setback as the single family houses.

6. The street trees reinforce the neighborhoods principle landscape design component. The landscaping in the front yard reinforces the landscaping across the street.

## 6 OFFICE COMPATIBILITY

## ● RO 'URBAN' SITE

NOT COMPATIBLE



1. The building, parking and sidewalk locations are arranged in a dissimilar order from the other sites in the neighborhood.

2. The parking area located in front of the building directly faces the neighborhood. The building, located at the rear of the site does not maintain a similar setback to the other buildings on the surrounding blocks.

3. The proposed development does change the existing street hierarchy. The parking area has all of its access locations along the principle street frontage instead of at the rear of the site along the alley.

4. The available open space at the side and rear yards is isolated from the building entrance and the neighborhood.

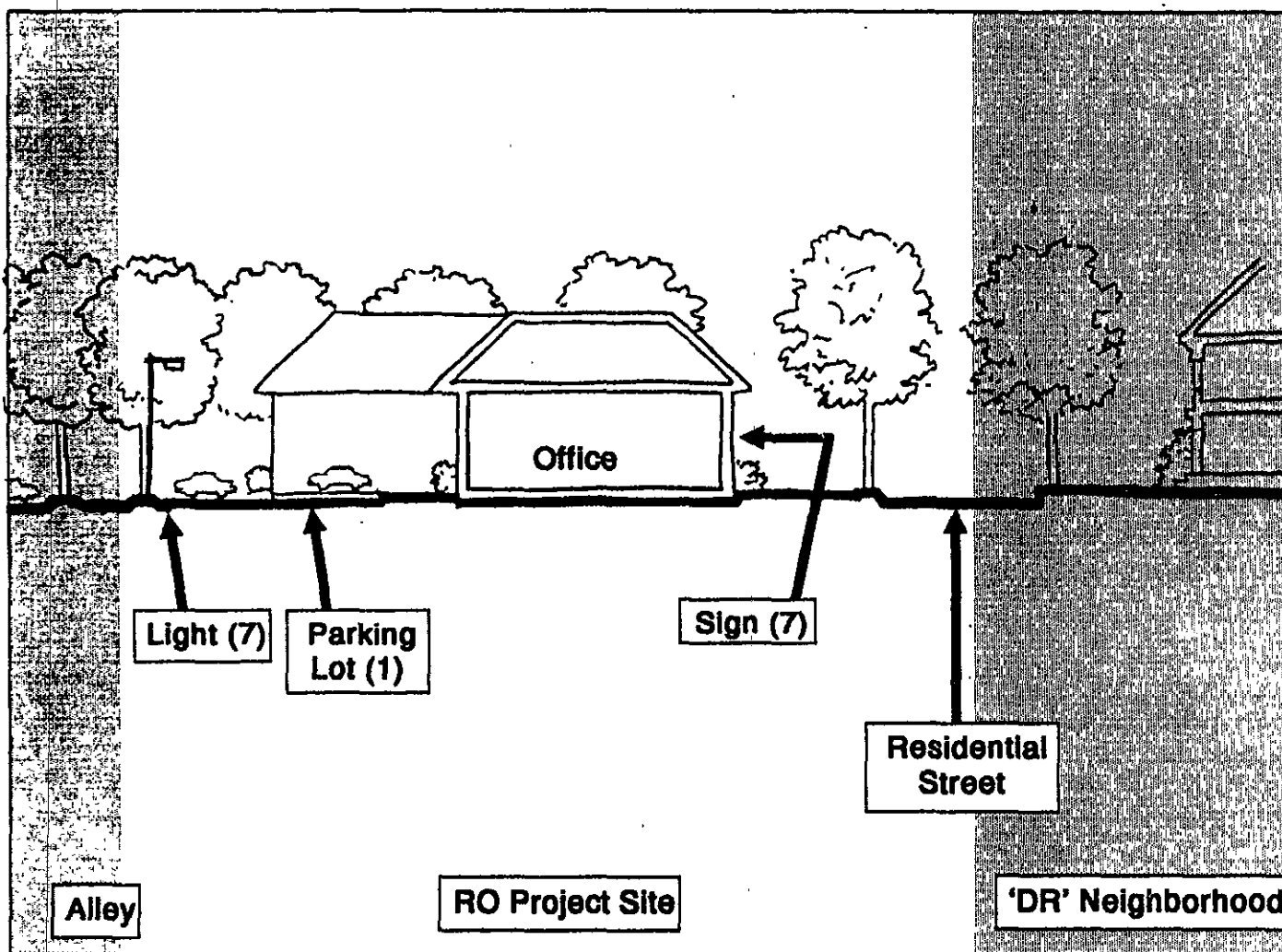
5. The significant features of this site, the alley and the urban context, are not utilized nor reinforced in this site design.

6. The few street trees do not reinforce the street tree pattern of the neighborhood. The parking area in the front yard does not allow for landscaping similar to the landscaped front yards of the adjacent buildings.



## ● RO 'URBAN' SITE

COMPATIBLE



7. The identification sign for this building is wall-mounted. No freestanding signs are placed along the street, across from the single family houses.

Site lighting for the parking lot is at the rear of the site--not facing the adjacent residential uses. The height of the light standard does not exceed the top of the roof line.

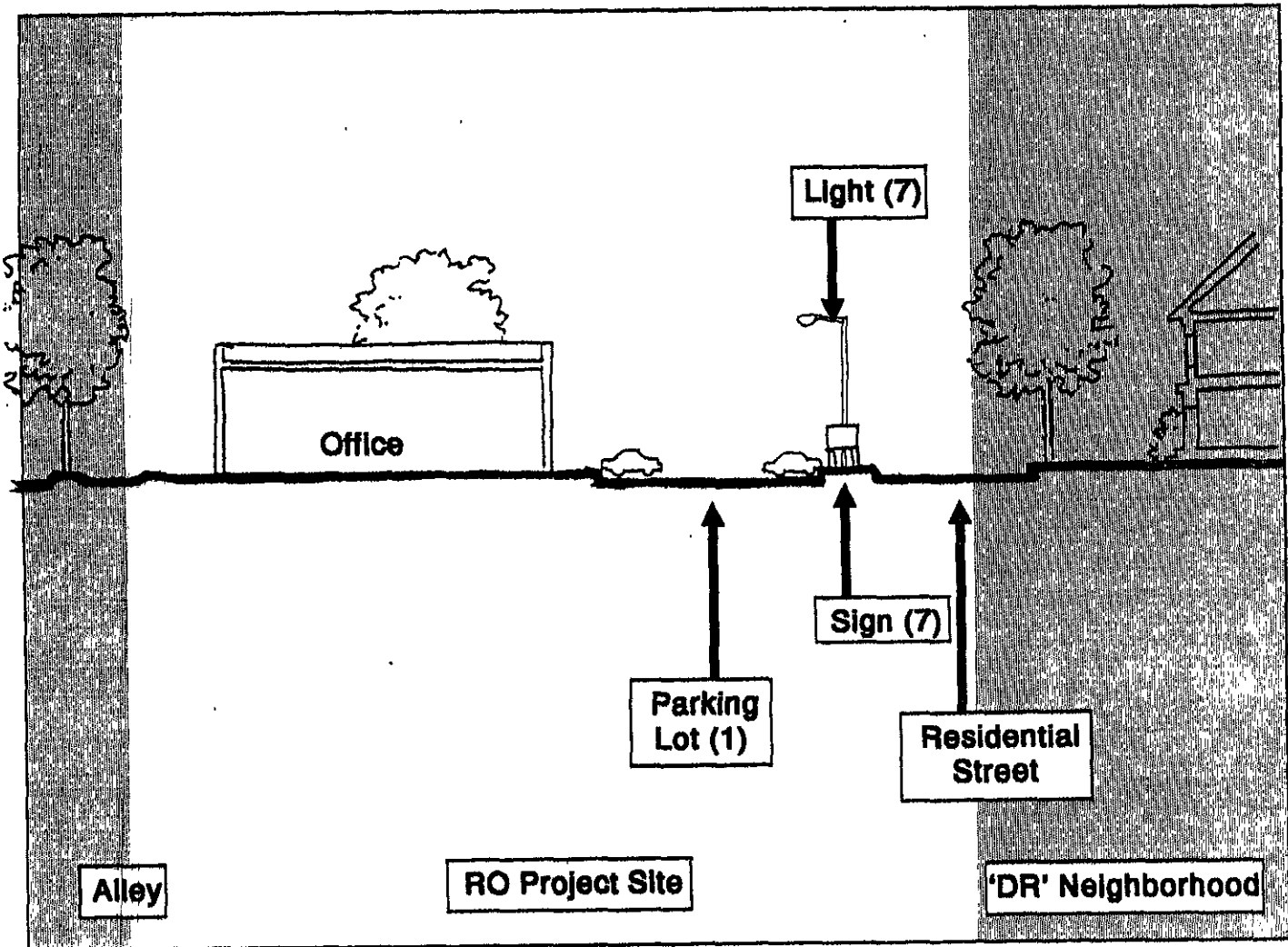
8. The building's one story does not exceed the height of the two-story houses and the design of the building includes a hip roof.

Although not illustrated, if all the adjacent houses have brick facades, the use of brick as part of the building design is strongly encouraged so that the design is more in "character" with the neighborhood.

As a general rule, repeating similar details or materials is advantageous if the overall neighborhood attractively uses a consistent design detail or building material, for example: a roof overhang or windows with panes.

## ● RO 'URBAN' SITE

NOT COMPATIBLE



7. The freestanding sign along the right-of-way that is shared with the houses is not desirable for achieving compatibility.

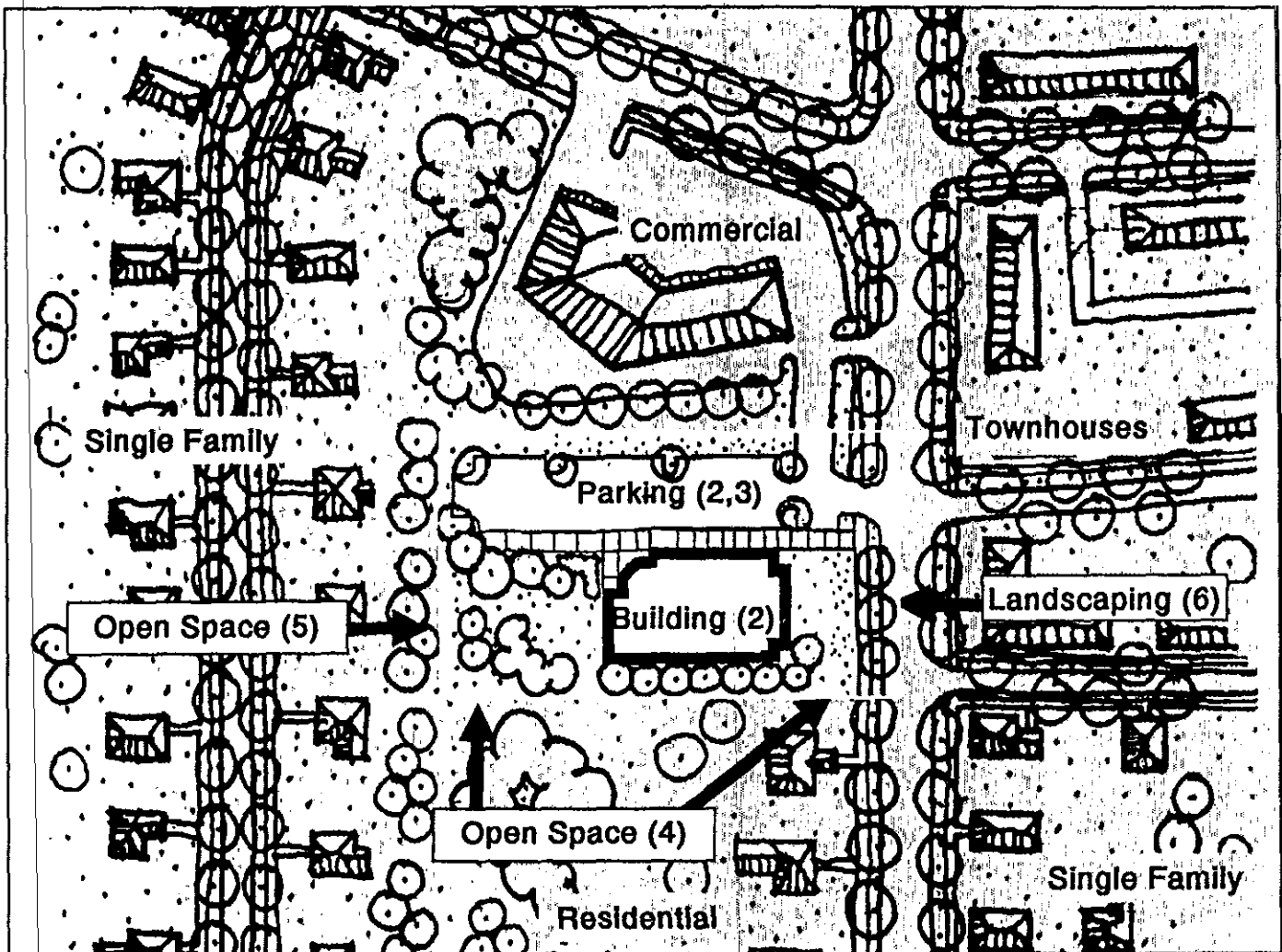
The light standard in the parking area faces away from the neighborhood, however, a shorter standard may be more appropriate.

Any accessory structure, such as an enclosure for a trash dumpster should be located along the alley, out of view from the neighborhood.

8. The roof design is not in keeping with the design treatment of the neighborhood. Even if a pitched roof is not desired, a sloped parapet or detailed cornice along the building perimeter is strongly encouraged for compatibility.

Compatibility can be achieved by use of similar window styles, wall materials, colors, and building textures.

As a guideline, reduce the building bulk by avoiding long continuous, uninterrupted facades, particularly when adjacent to detached housing.



1. The building location, open space, sidewalk, and front yard setback are patterned similar to the development in the surrounding neighborhood.

2. The building is located at the front of the site facing the major arterial as found in the neighborhood and unlike the adjacent commercial structure. The parking lot is screened from the neighborhood by the building and the open space. The parking lot is also connected to the adjacent commercial lot to limit the number of curb cuts along the major arterial.

3. The street pattern remains the same; the proposed site development does not alter the

existing vehicular pattern. The vehicular entry lines up with the existing street across the way.

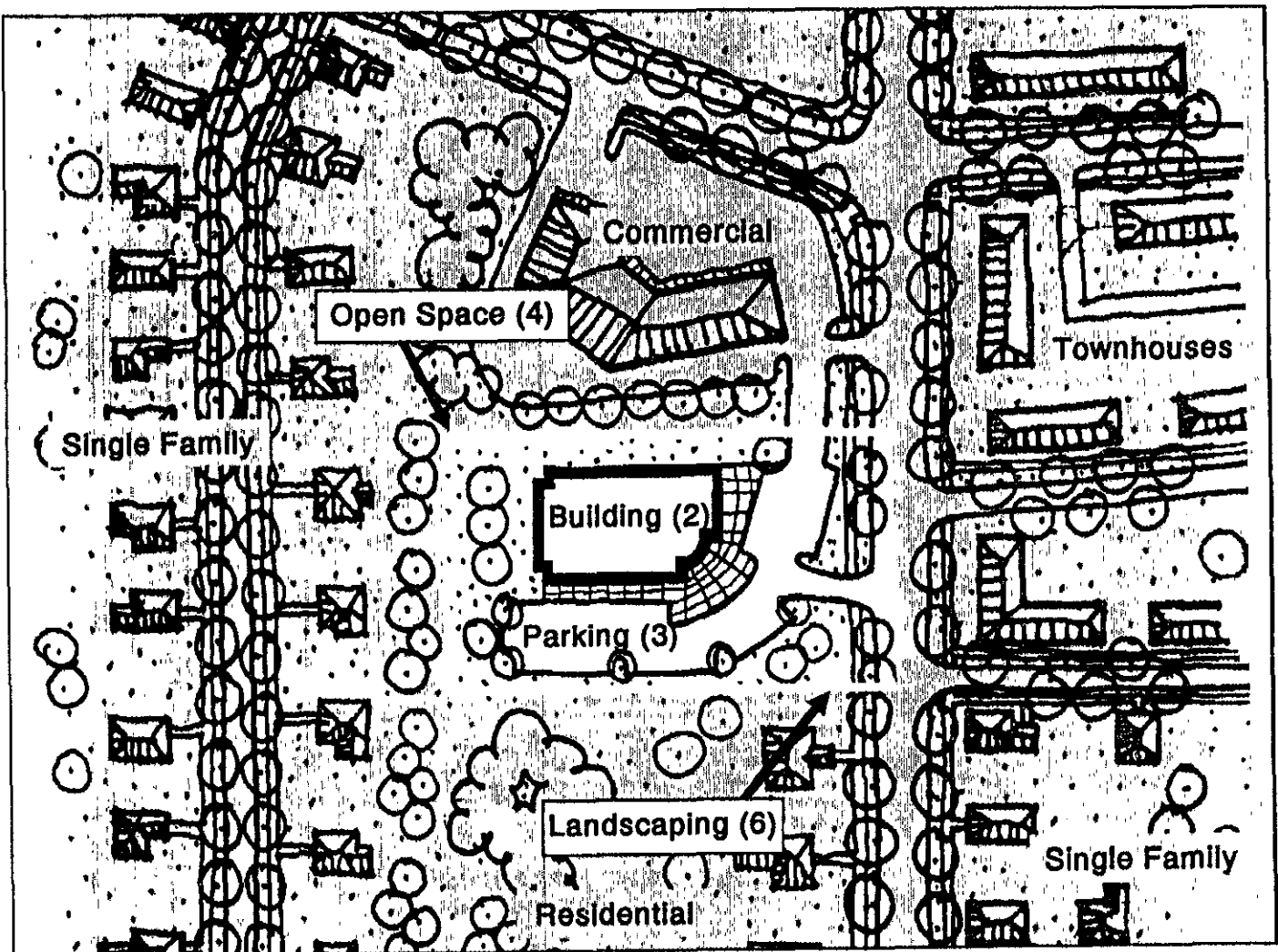
4. The open space is at the rear of the site and becomes part of the overall rear yard open area within the neighborhood.

5. The significant feature of this site, the rear yard open space, is preserved.

6. The front yard is landscaped with street trees as found along the major arterial and the sidewalk connects the neighborhood to the office and commercial sites. The building and parking lot are landscaped to buffer the uses from the neighborhood.

## ● RO 'SUBURBAN' SITE

NOT COMPATIBLE



1. The building and parking area locations are arranged in a dissimilar order from the existing neighborhood pattern.

2. The building is located in a similar manner as the commercial development which is unrelated to the surrounding neighborhoods. The parking lot design locates all of the spaces in the front yard which disrupts the continuity of the buildings located at the front of the lots along the street.

3. The parking lot is connected to the adjacent site. The street pattern remains essentially the same; however, the one curb cut does not line up with the street across the way.

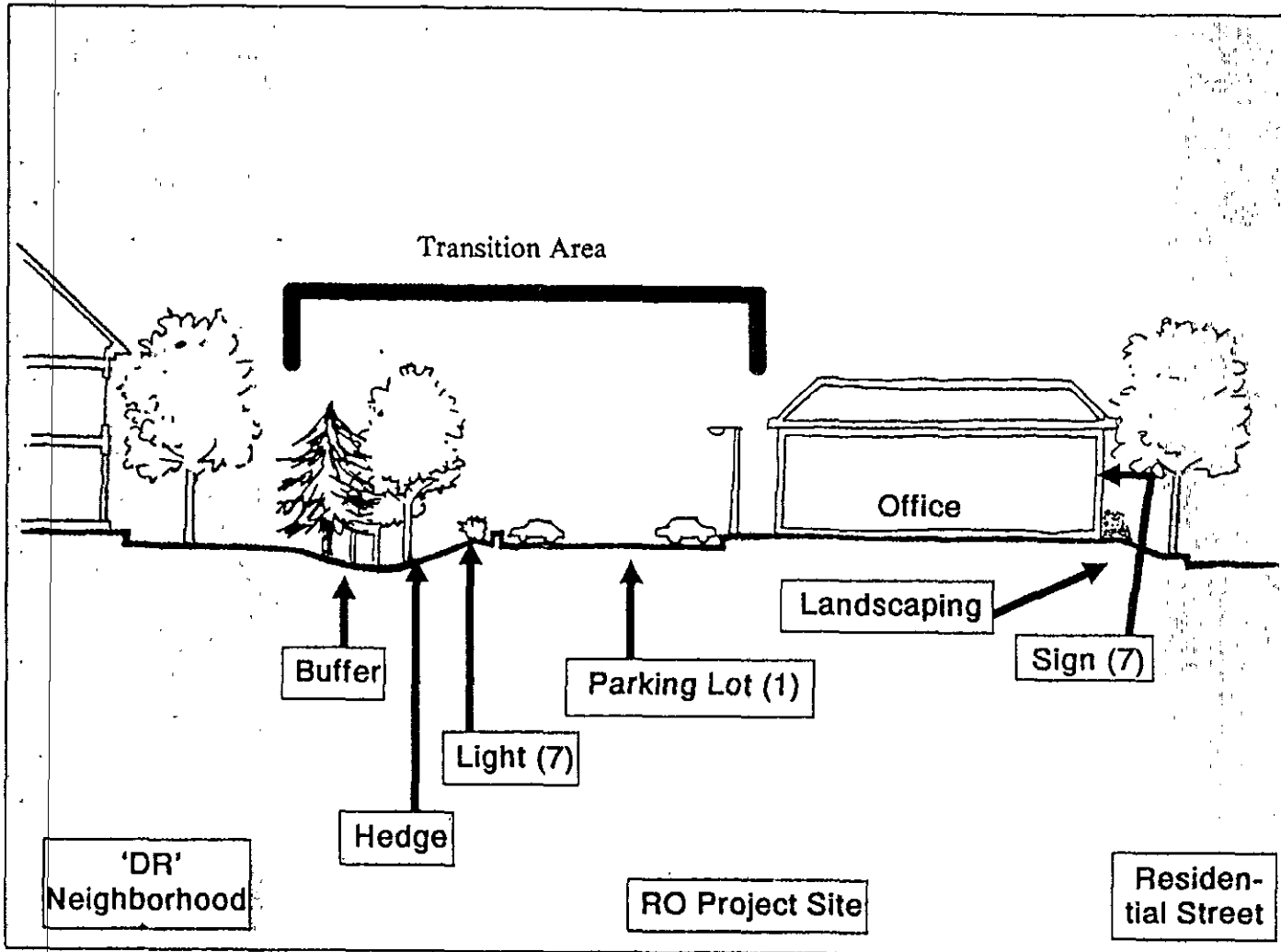
4. The open space is located around the perimeter of the site which does not reinforce the significant open space along the rear yards of the adjacent neighborhood.

5. The significant feature of this site, the rear yard open space, has been reduced in this scheme.

6. The street trees do maintain the neighborhood pattern, however, additional landscaping would help to buffer the building and parking area from the neighborhood.

## ● RO 'SUBURBAN' SITE

COMPATIBLE



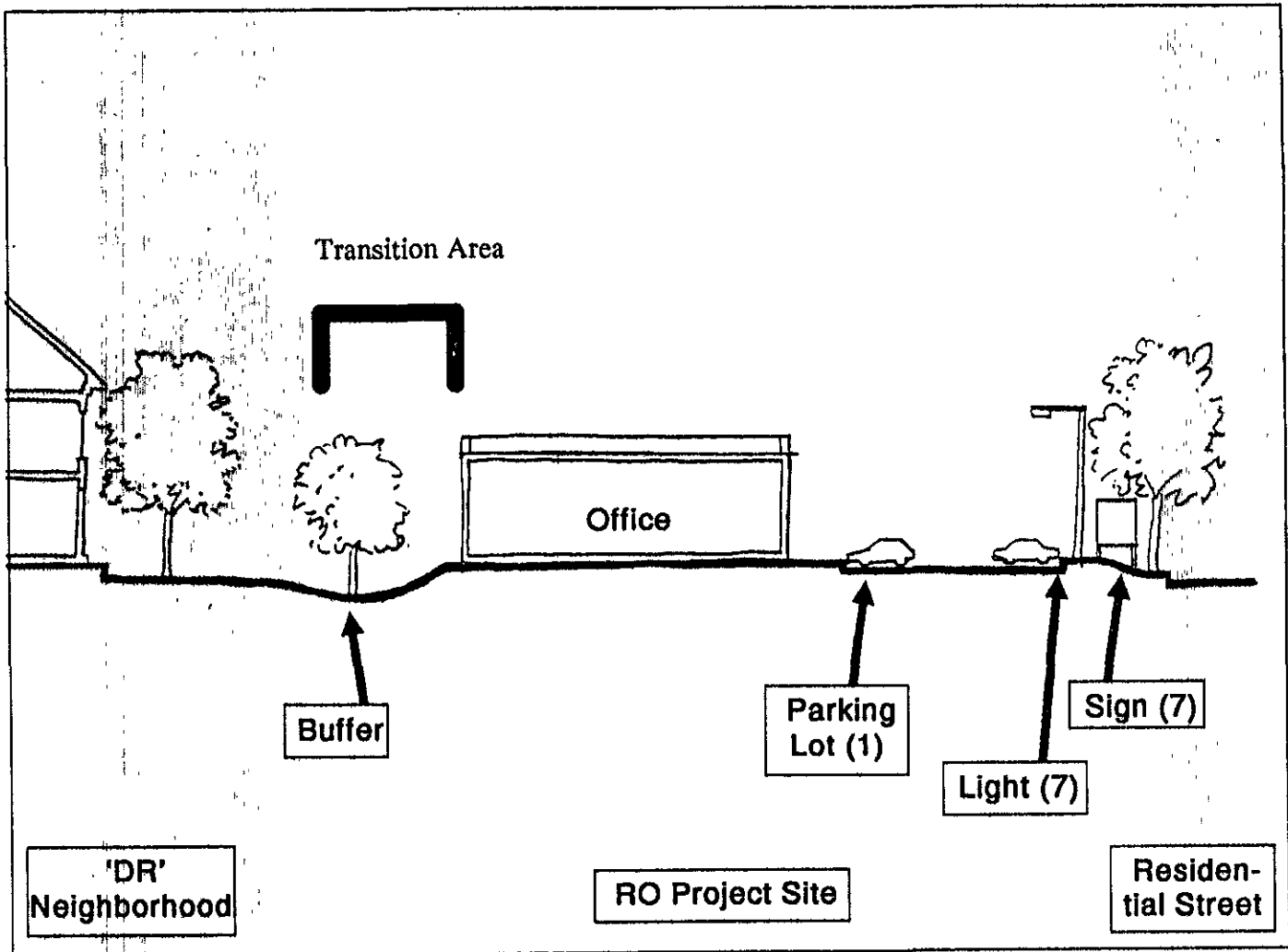
7. A wall-mounted sign is located on the building facade facing the street to identify the project. Freestanding signs are not used on this project site.

The light standards for the parking lot are located to face the building to avoid glare into the neighborhood.

8. The building scale is visually reduced with the setbacks at the corners and the generous front yard setback. Also, by locating the short side of the building along the street, which is a similar building placement as the adjacent single family detached houses, the placement repeats the pattern previously established.

## ● RO 'SUBURBAN' SITE

NOT COMPATIBLE



7. The freestanding exterior sign is in view of the adjacent residential uses and townhouses across the street; signage should be limited to the building wall. The parking lot light fixtures should be low level fixtures and located near the building to avoid glare into the neighborhood.

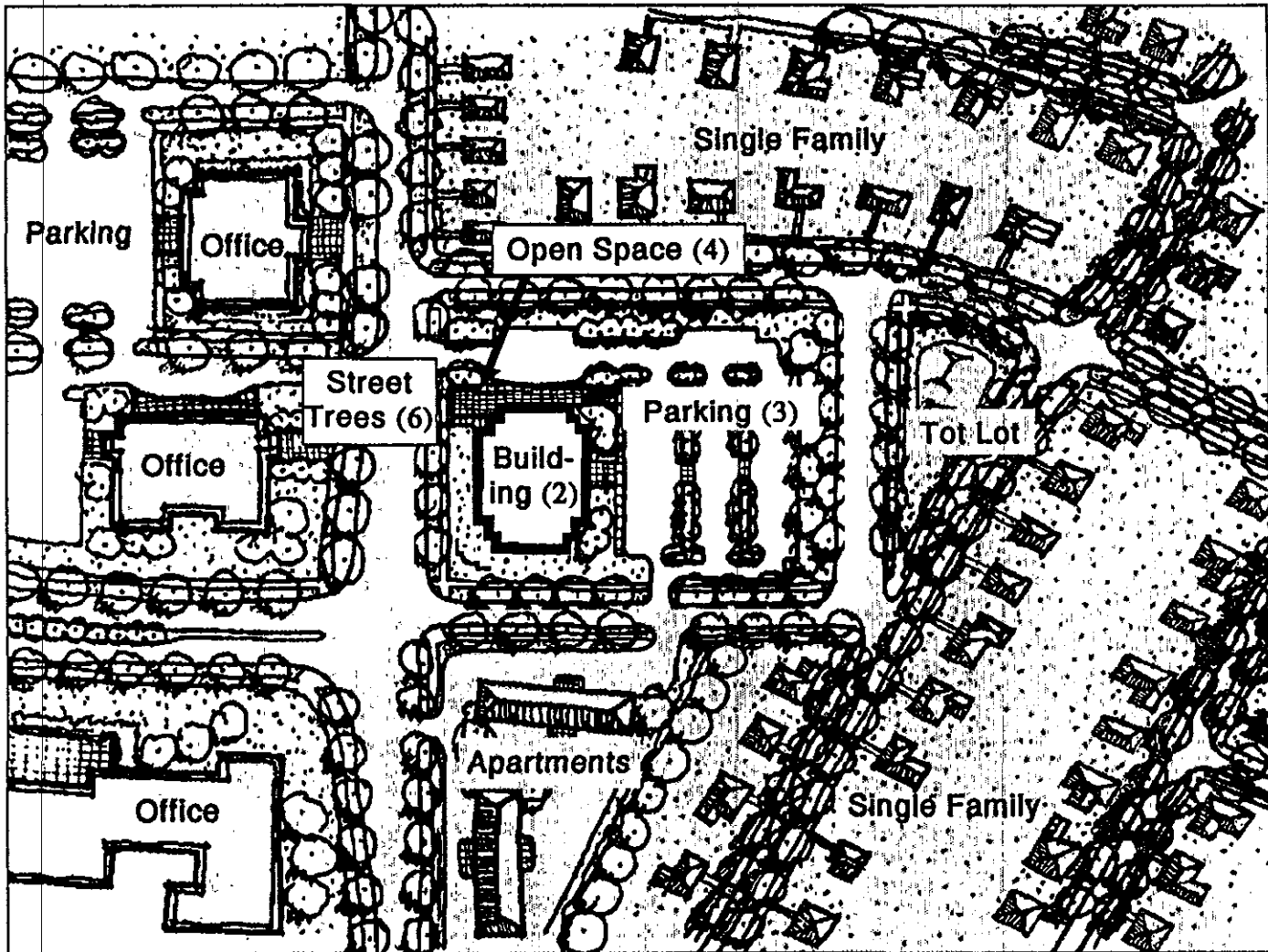
8. The building roof design does not utilize a dominant design detail within the adjacent neighborhoods.

Restraint should be used in the number of different building materials selected for the project. Building materials similar to those in predominant use on the street are encouraged.

# O1 and O2 Compatibility

## ● O1/O2 SITE

COMPATIBLE



1. The arrangement and orientation of the site development proposal is similar to the office building developments across the street and is designed to minimize the impact on the adjacent neighborhood.

2. The building is located near the street and towards the front of the site with a lawn and open area between the building and the sidewalk.

3. The parking area is at the rear of the site and the street pattern remains unchanged. Vehicular access is provided across from an adjacent drive and along the street adjacent to the apartments. Access is not provided across from any single family house.

4. The open space is located in front of the building near the entry with ease of access along the sidewalk for pedestrians.

5. The significant features of this site, the major arterial and adjacent tot lot are utilized and buffered, respectively. The building location reinforces the linear pattern of buildings along the major arterial. The double row of trees at the rear of the site not only buffers the tot lot, but expands the adjacent open area.

6. The street trees reinforce the neighborhoods' landscape design component. The double row of trees at the rear of the site adjacent to the tot lot provides an additional buffer.

## DEVELOPER'S NOTIFICATION LETTER TO THE COMMUNITY

Dear Resident,

Baltimore County has enacted legislation that has substantially revised the County's Development Regulations. A Community Input Meeting (CIM) is one of the initial mandatory prerequisites to the development approval process.

The Baltimore County Office of Planning and Zoning has identified you to be notified of a CIM scheduled as follows:

**NAME of DEVELOPMENT :** 1830 York Road

**MEETING DATE/TIME :** September 14, 1994 8:00 PM

**Meeting Place :** Ridgely Middle School  
121 Ridgely Road  
Lutherville, Md. 21093

The purpose of the CIM is to share with you our concept plan and provide a forum for the discussion and resolution of community concerns. The CIM will be conducted by a representative of the Office of Zoning Administration and Development Management, Baltimore County, who will record minutes and prepare a list of questions and comments discussed at the meeting.

The major features of the proposed development will be presented and used as the basis for discussion at the CIM. Your participation will assist us and Baltimore County in achieving a resolution to any development matters that may arise. Your concerns will become part of the planning process and be included in the permanent county record for this project.

Please understand that no decision regarding the approval of the project will be made at this time. The CIM simply provides an opportunity for the community to share in the discussion well in advance of the preparation of a development plan. The filing of the development plan will require a public notice to be posted on the property in accordance with County law before any decision may be rendered by the Hearing Officer at a subsequent development plan hearing.

The meeting will begin promptly at the designated time; however, we will be available one-half hour before the CIM so that you may review the plan and comments informally with our engineer and county staff. With your input, I am confident that we will be able to create a development project that will be an asset to the community.

Respectfully yours,



Enclosures : (1) Concept Plan  
(2) County agency comments

MICROFILMED



Paul Lee, P.E.

Paul Lee Engineering Inc.  
304 W. Pennsylvania Ave.  
Towson, Maryland 21204  
410-821-5941

96-4821 WCR  
9/4/96  
Y  
to JLL  
9/5/96  
ucl  
CASHIER-9/6

August 29, 1996

Mr. Arnold Jablon  
ZADM  
Baltimore County  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

4 1996

Re: #1831 York Road  
Case #95-210-XA

Dear Mr. Jablon:

On February 24, 1995, a Petition for a Special Exception with Variances for a Class B Office Building to be located on the above mentioned site was granted.

My client, Townsontowne Realty, Inc., has applied for a building permit for the above mentioned site and has been informed that it would be necessary to show the proposed walk system around the building to the existing entrance for the handicapped and the located of the proposed stairway for the proposed second floor entrance and exit. At the original hearing before the Zoning Commissioner, this information was not shown on the petition. Since the zoning had been granted, my client has engaged a Landscape Architect to design the Class B building shown on the location of the original petition. Since there was no building design prior to the original hearing, the entrances both for the handicapped entrance and second floor entrance were established with the Architect's plan. As a result of the above, we have been instructed to petition for a "Spirit and Intent Letter" that the walkways and entrances as shown would still meet with the spirit and intent of the original order.

As you can see, we have only added to the proposed Petition Site Plan the walkways and the entrances. I am, therefore, requesting that your office review our request that the revised plan, which shows the walkways in red, do meet the spirit and intent of the original zoning order. I am enclosing two copies of the plan for your use along with a check for \$40.00.

We would appreciate anything your office can do to grant us this request. If you need any additional information, please do not hesitate to contact this office.

PEAR MR LEE:

BASED ON THE INFORMATION PROVIDED AND THE FACT THAT THERE WERE NO PROTESTANTS IN THIS CASE (95-210-XA), THE RED LINED PLAN CHANGES ARE APPROVED, PLEASE DOCUMENT THIS RESPONSE ON ALL FUTURE PLANS.

PL:tl

Enclosures

cc: Mr. Francis C. Gomo

Yours sincerely,

Paul Lee

Paul Lee

JOHN L. LEWIS  
PLANNER II P.D.M.  
9/6/96  
Engineers — Surveyors — Site Planners

DAVE PLZ MICRO + RETURN  
~~TO ZOWING~~ PLAN ADD LTR TO  
ZOWING CASE

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Carmella Cuomo

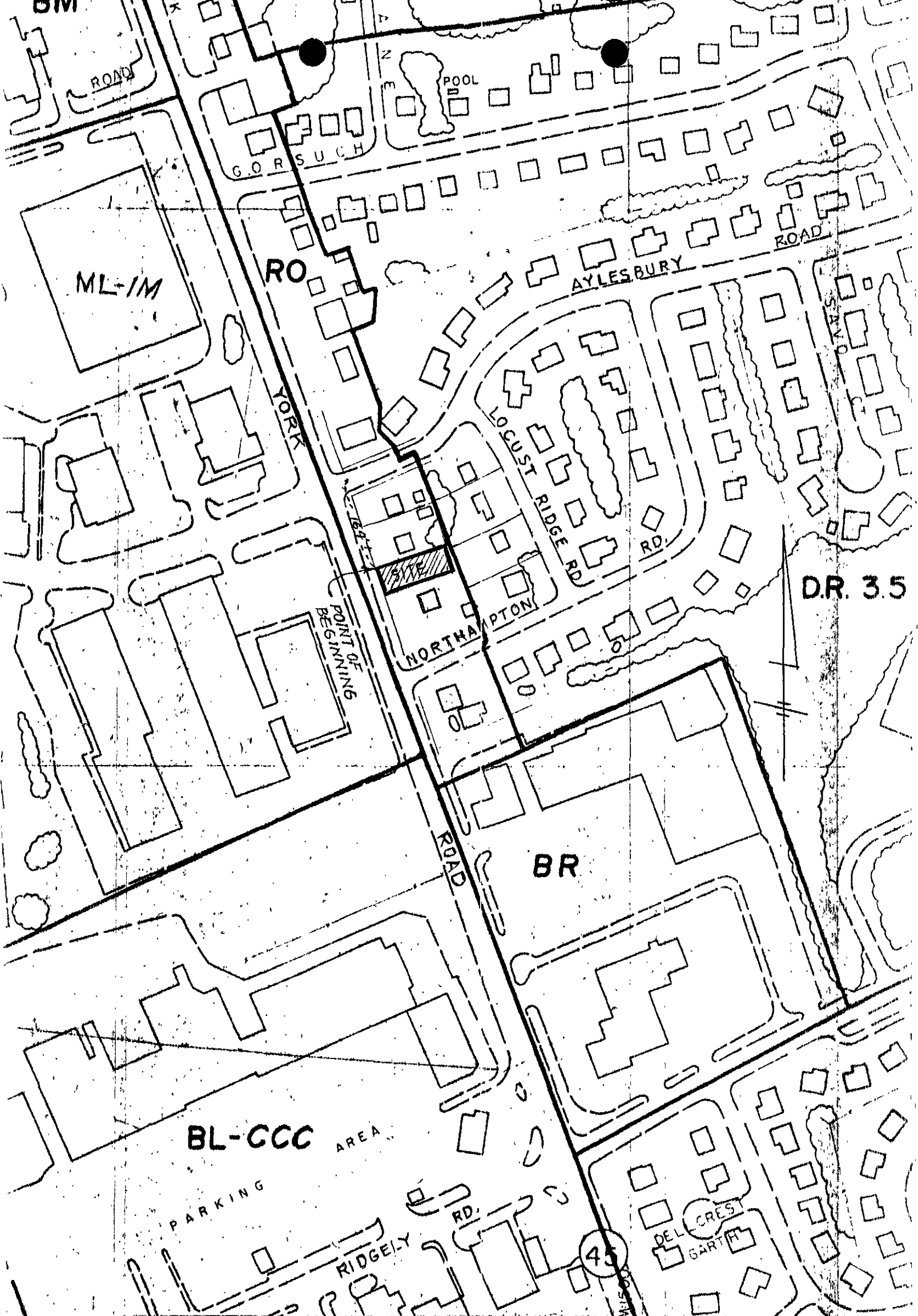
Francis X Cuomo

VINCENT MOSKUNAS

511 E Seminary Ave

511 E Seminary Ave 21254  
MIND DEVELOPMENT, ENG. INC.  
# 200 E JOPPA RD. 21206





203

SCALE

1" = 200' ±

DATE  
OF  
PHOTOGRAPHY  
JANUARY  
1986

LOCATION

95-210-XA  
TIMONIUM

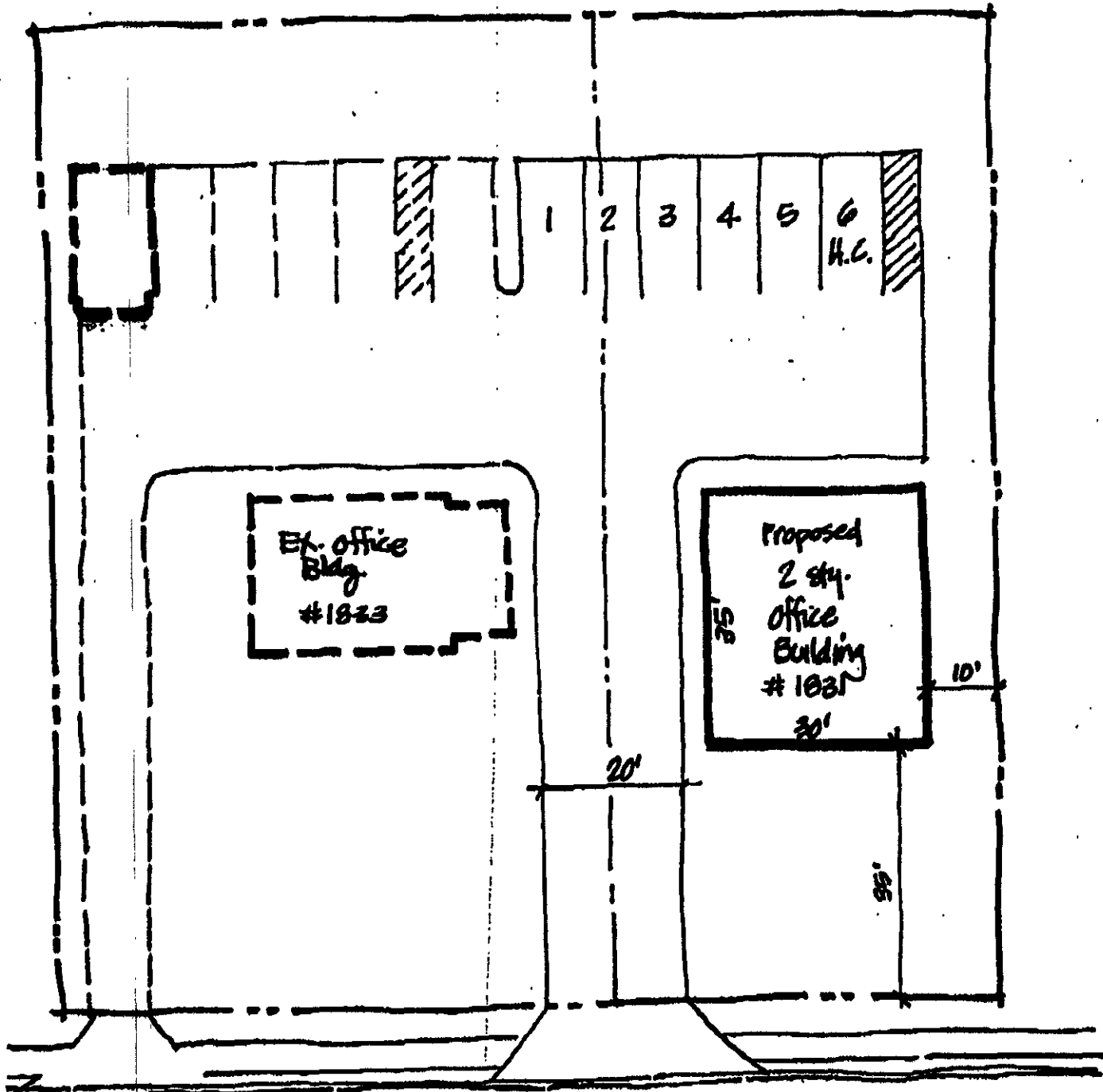
SHEET

N. W.  
13-A

#1831 YORK ROAD

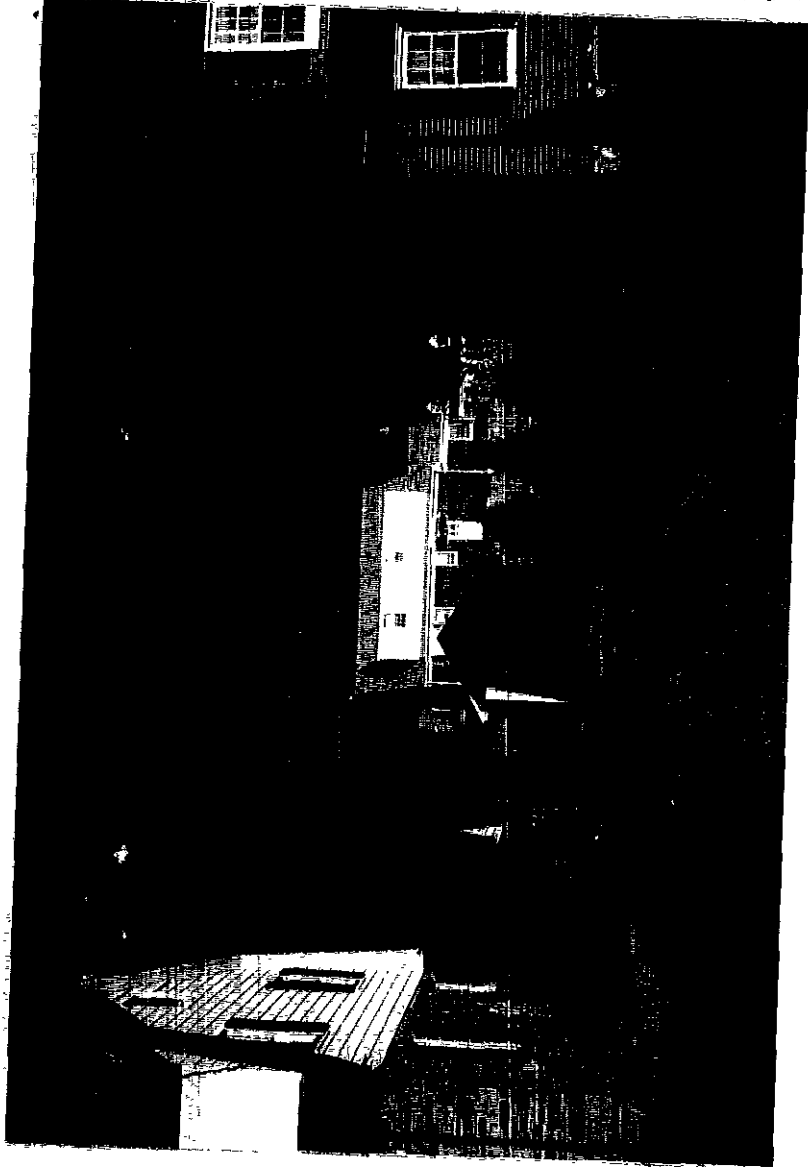
PROPOSED SITE PLAN

Parking in the rear, shared access drive

Baltimore County Office of Planning & Zoning  
Dec. 27, 1994

MICROFILMED YORK ROAD

PETITIONER'S  
EXHIBIT NO. 3



A.A.

Value - Please  
make 4 sets for  
N.A.U. for 11 A.M.  
Case Shanks,  
File # 3996/01

1833 York Rd.

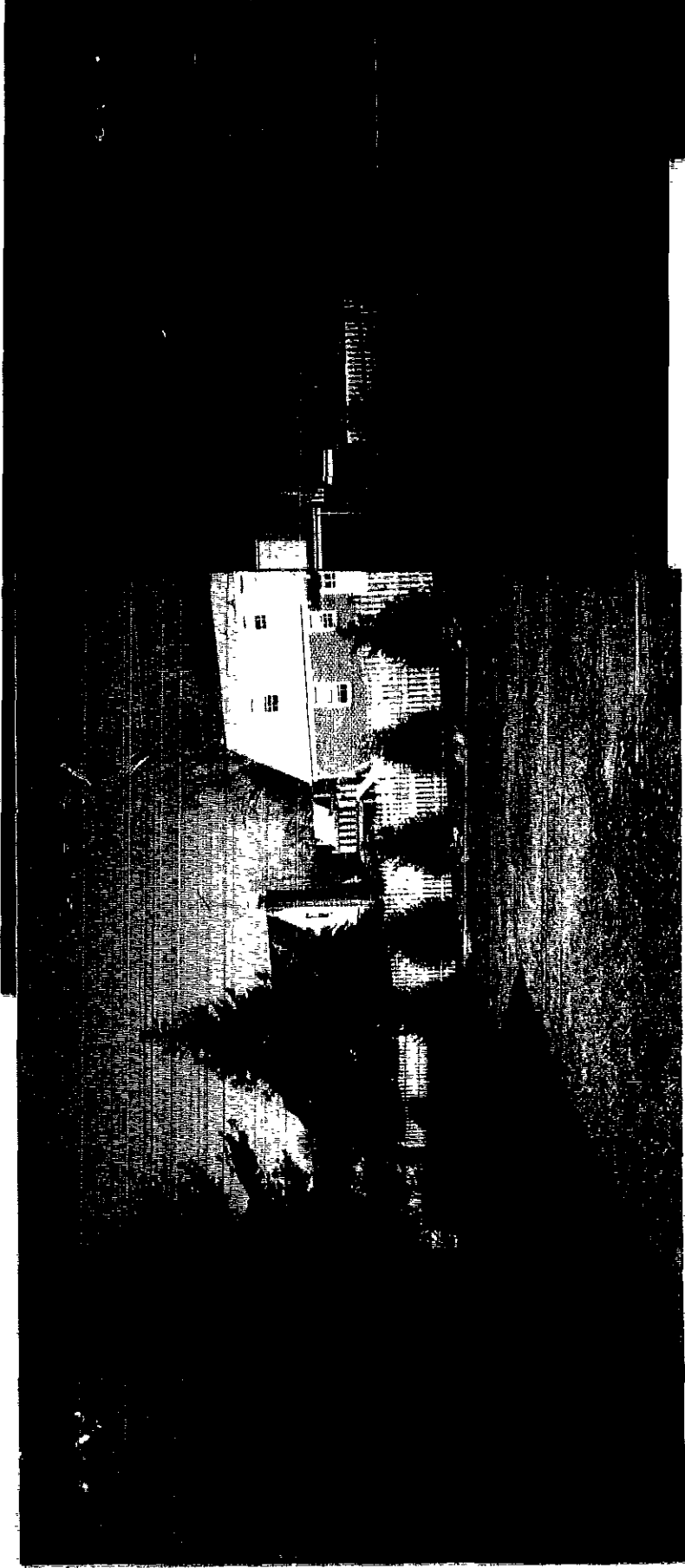


Lot - 1831 York Rd.

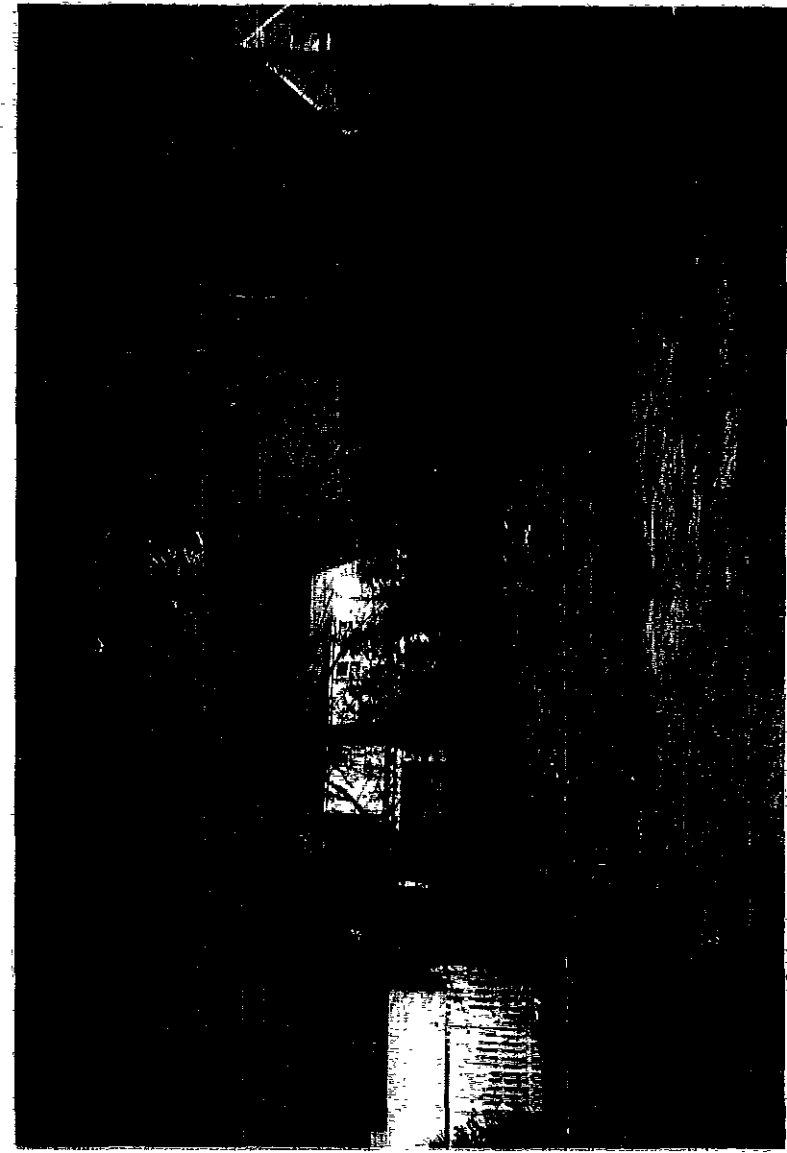
Cuomo Properties  
1831 York Rd. - 95-210 XA.  
1833 York Rd.  
Jan., 1995.

**PETITIONER'S  
EXHIBIT NO. 2**

MICROFILMED



00. Lot at 1831 York Rd. - Subject Site



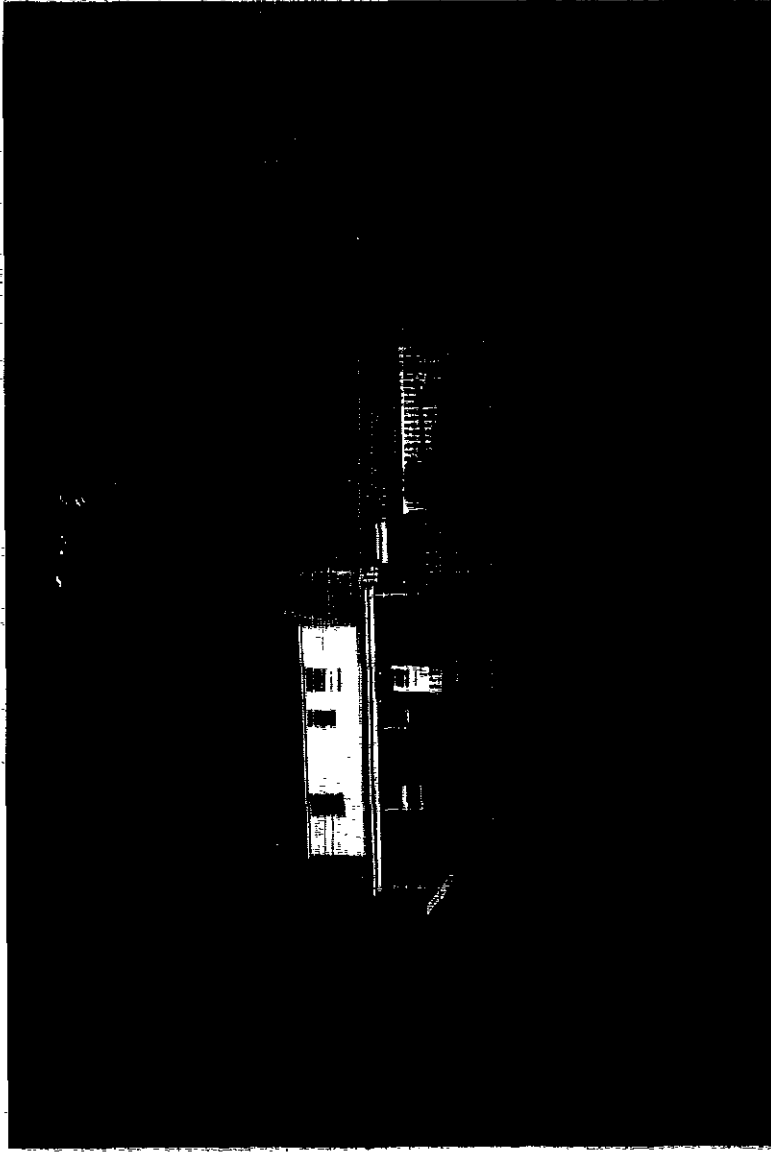
CC SE/C- Int 1831

York Rd.



00

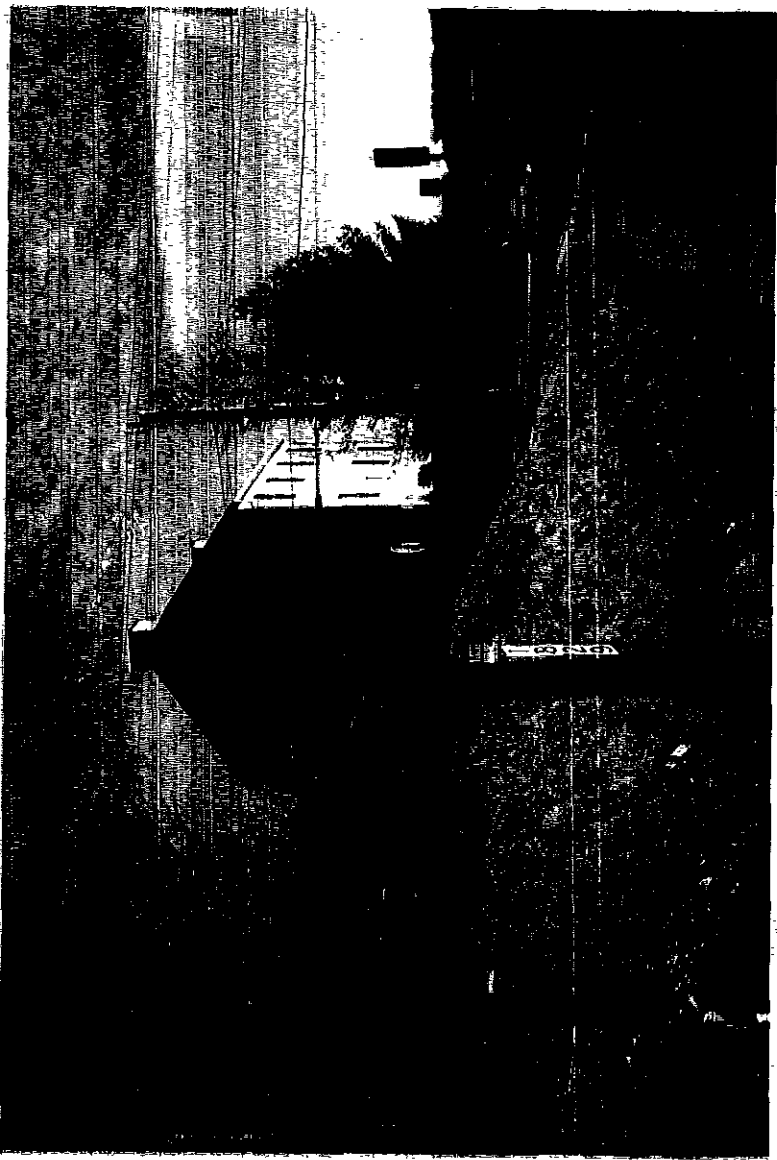
Same as EE more  
to S



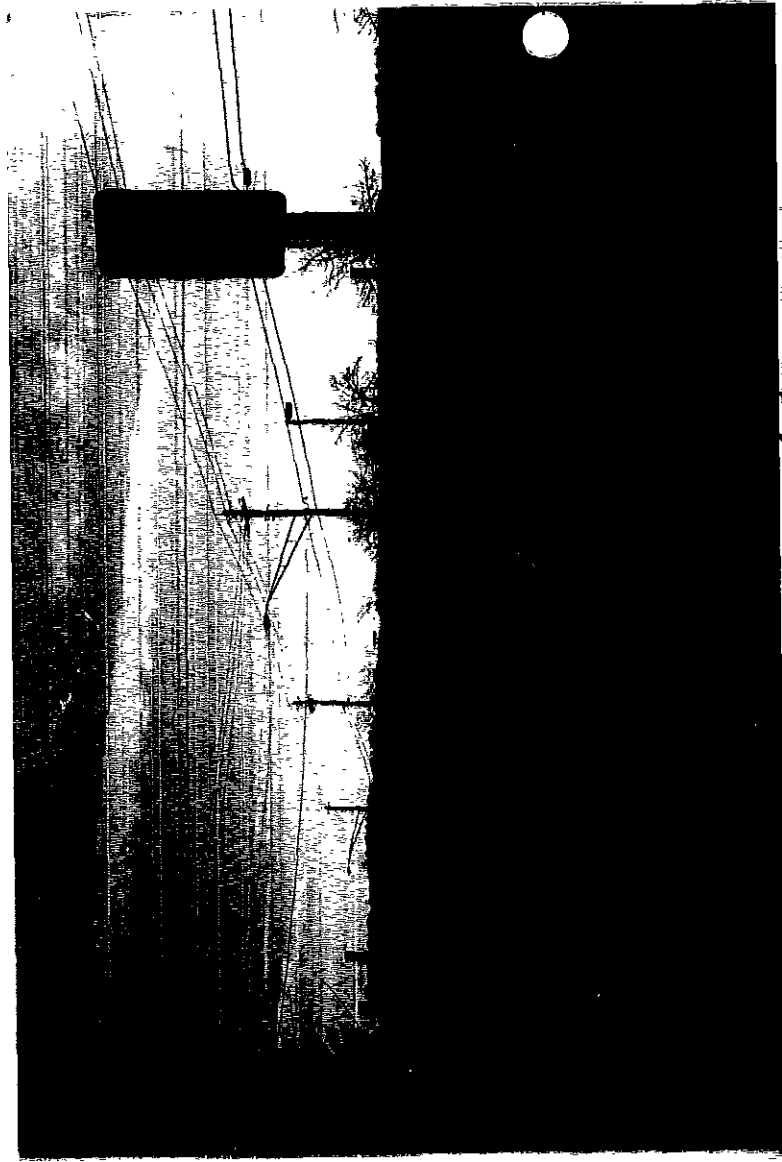
MURCHFIELD

EE  
Planting & fence in  
near by 1833 York Rd.

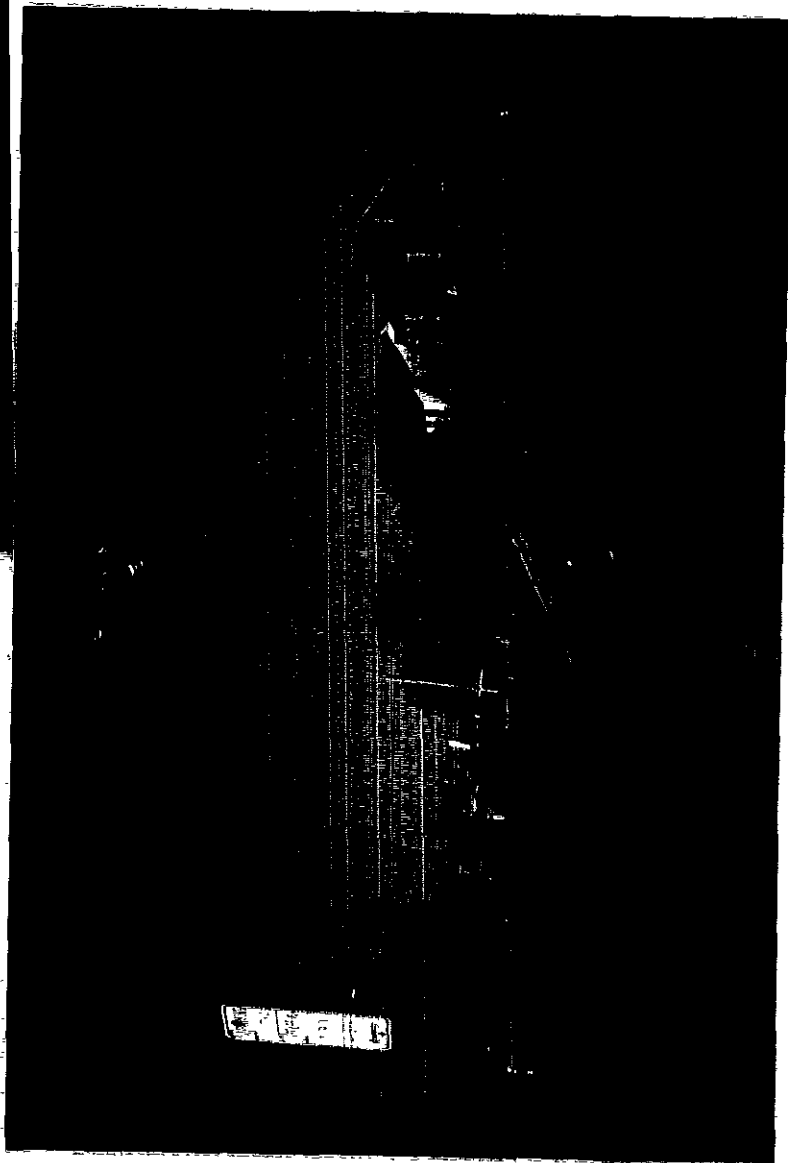




FF Looking S on  
E/5 York from  
1829 York Rd.

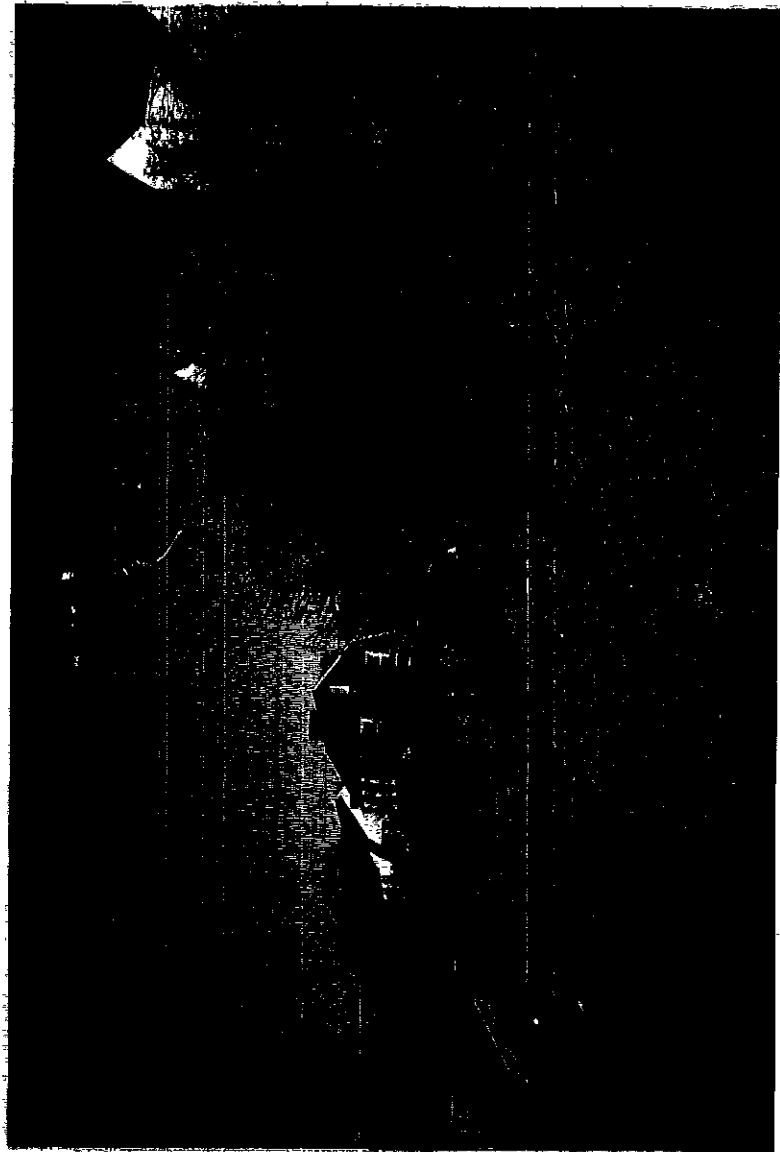


60 Looking S on York Rd.  
from 1831 York Rd.

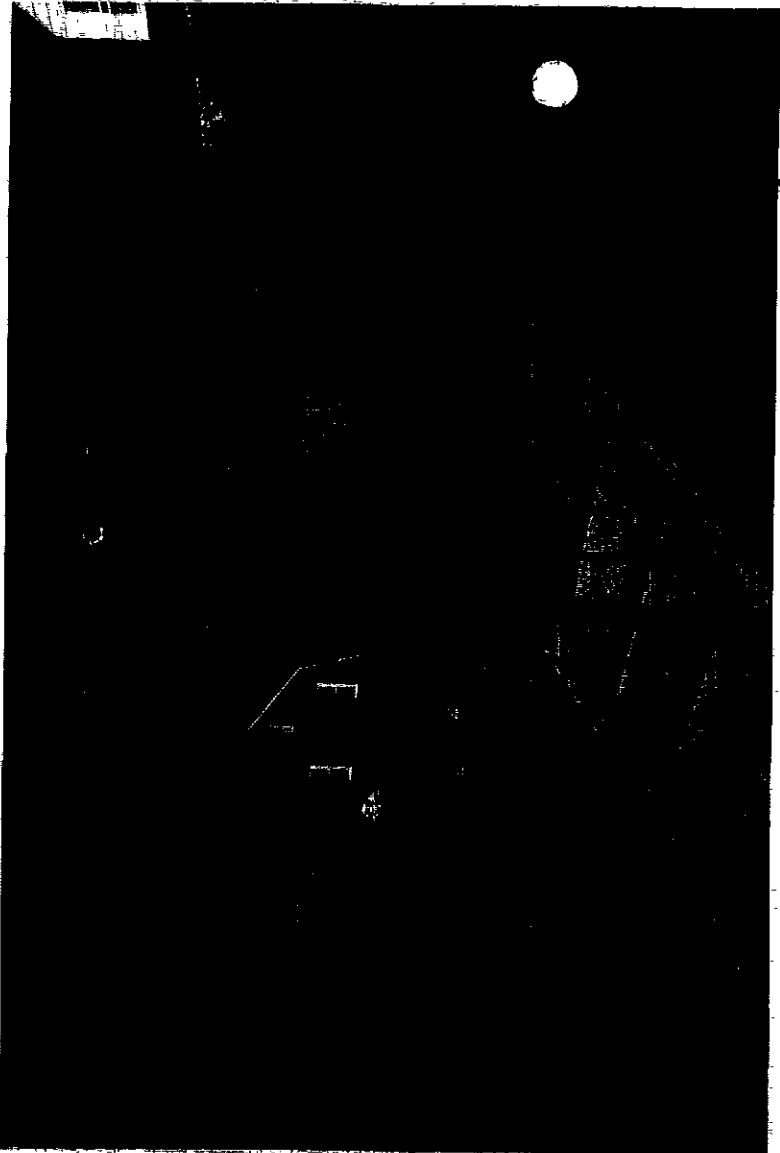


HH.  
Looking N on  
York Rd from  
1829 York Rd.

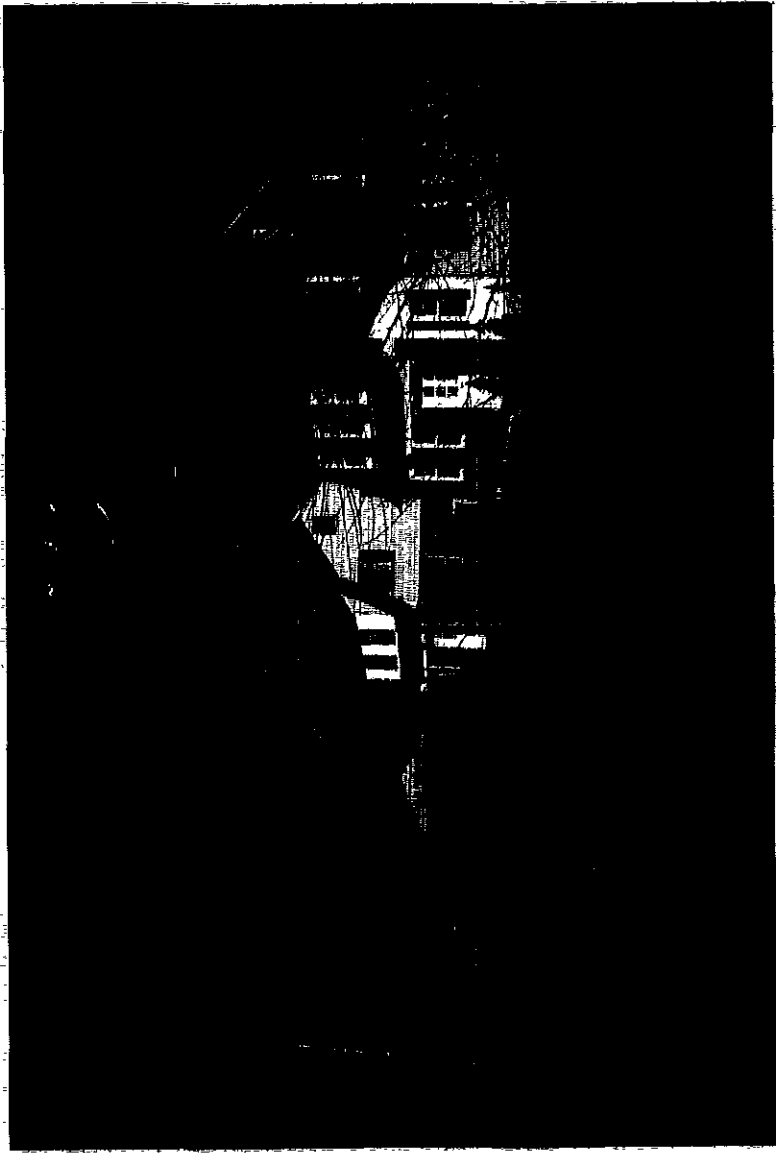
MICROFILMED



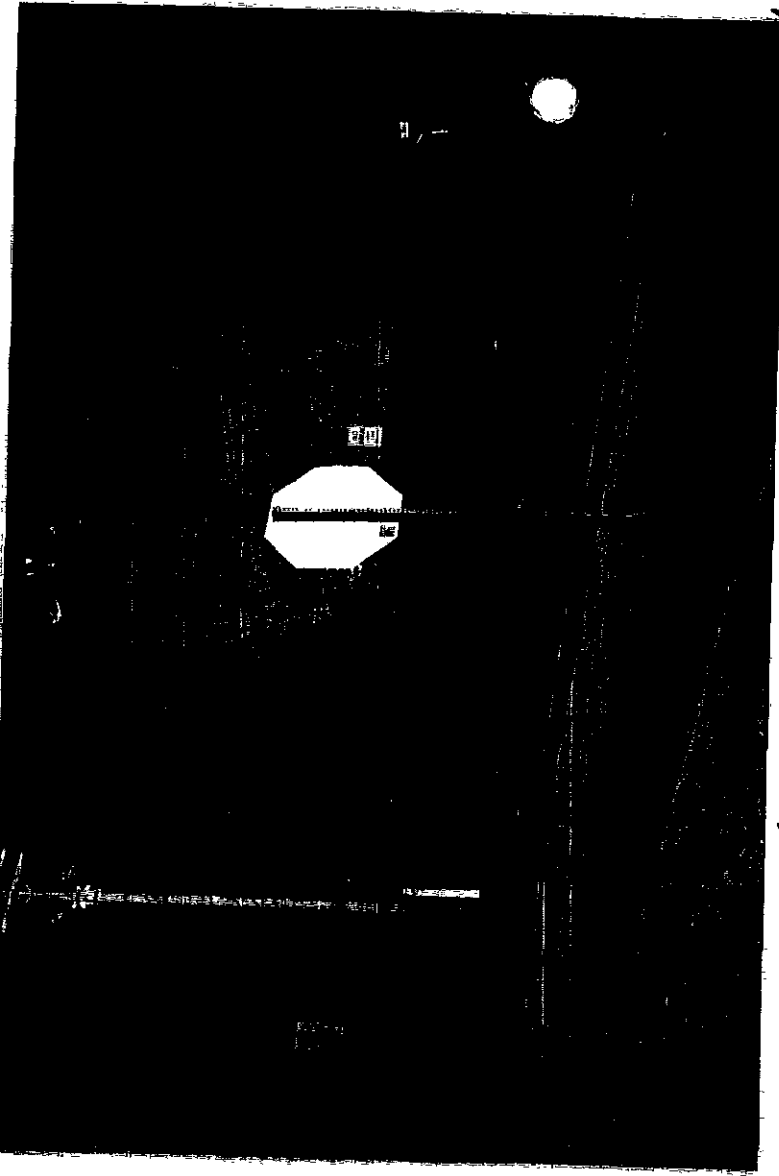
I.I. High Lot, Shrubs at  
 1829 York Rd.  
 obscuring 1831,  
 subject site



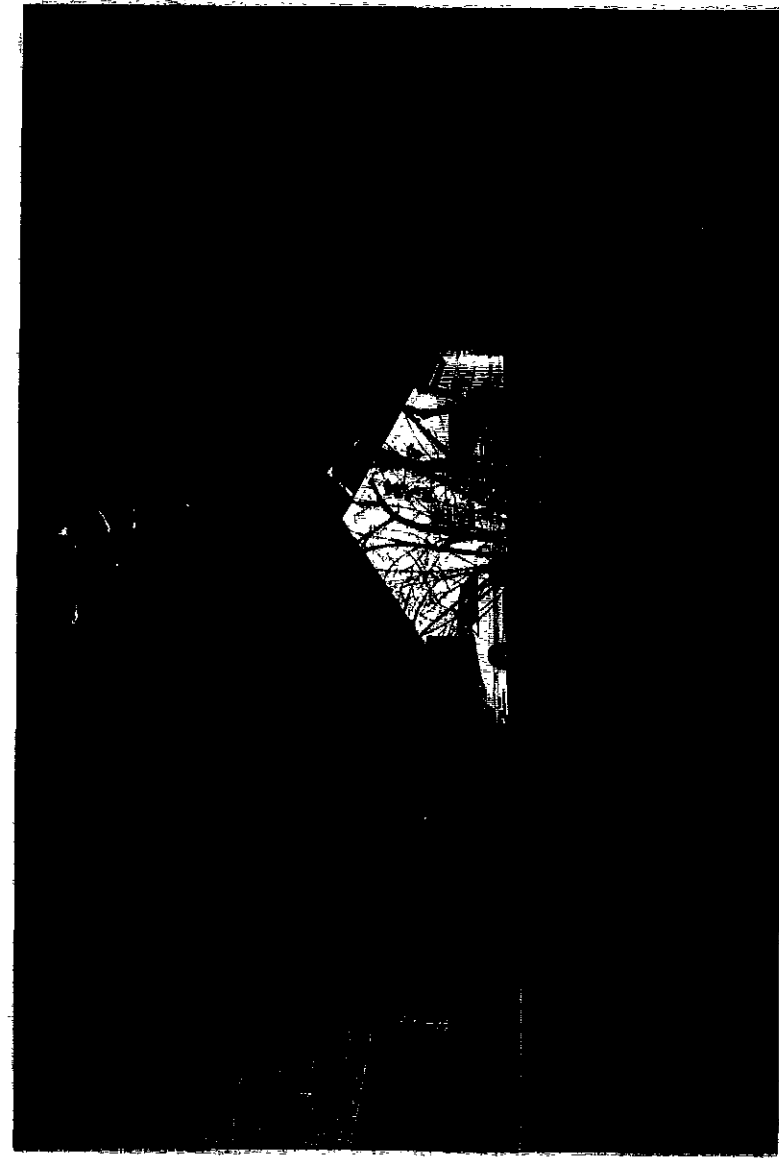
W. 1833 York Rd. from  
 in front of 1829,  
 Looking NE.



KK.  
 Subject lot at  
 1831 from 1829  
 corner.

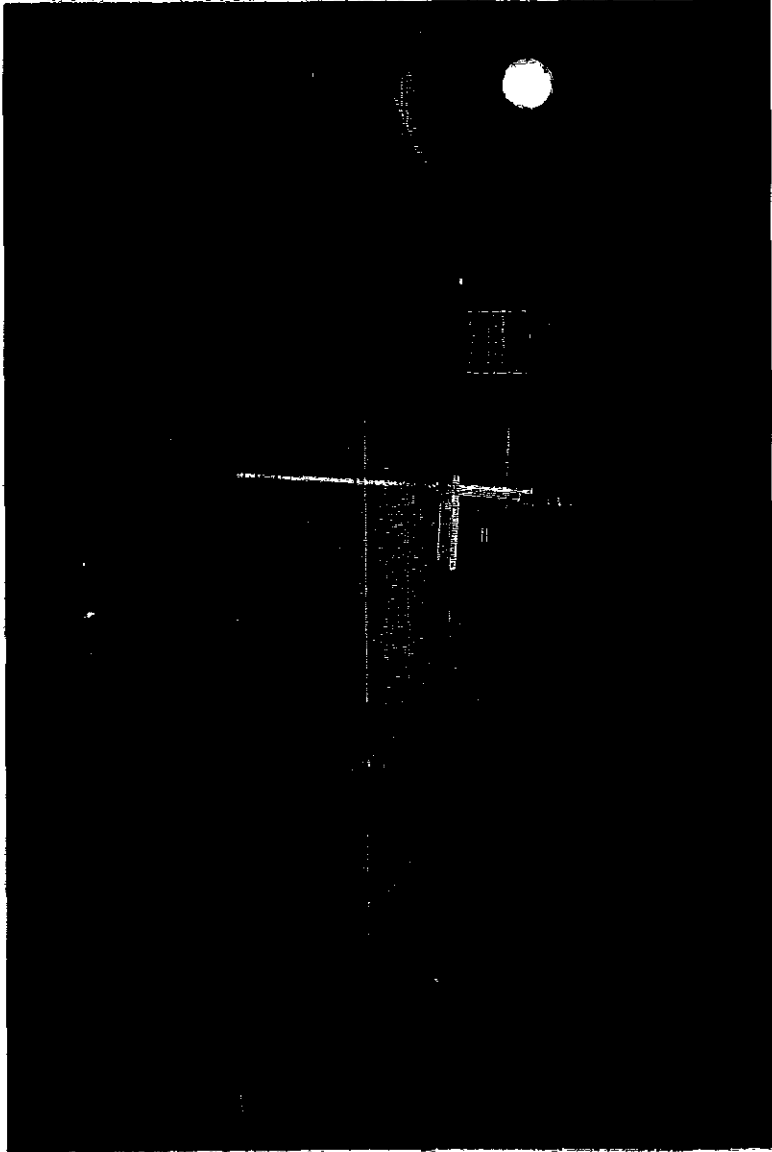


MM. Parking in rear on SE/C of York Rd.  
and Northampton Rd.

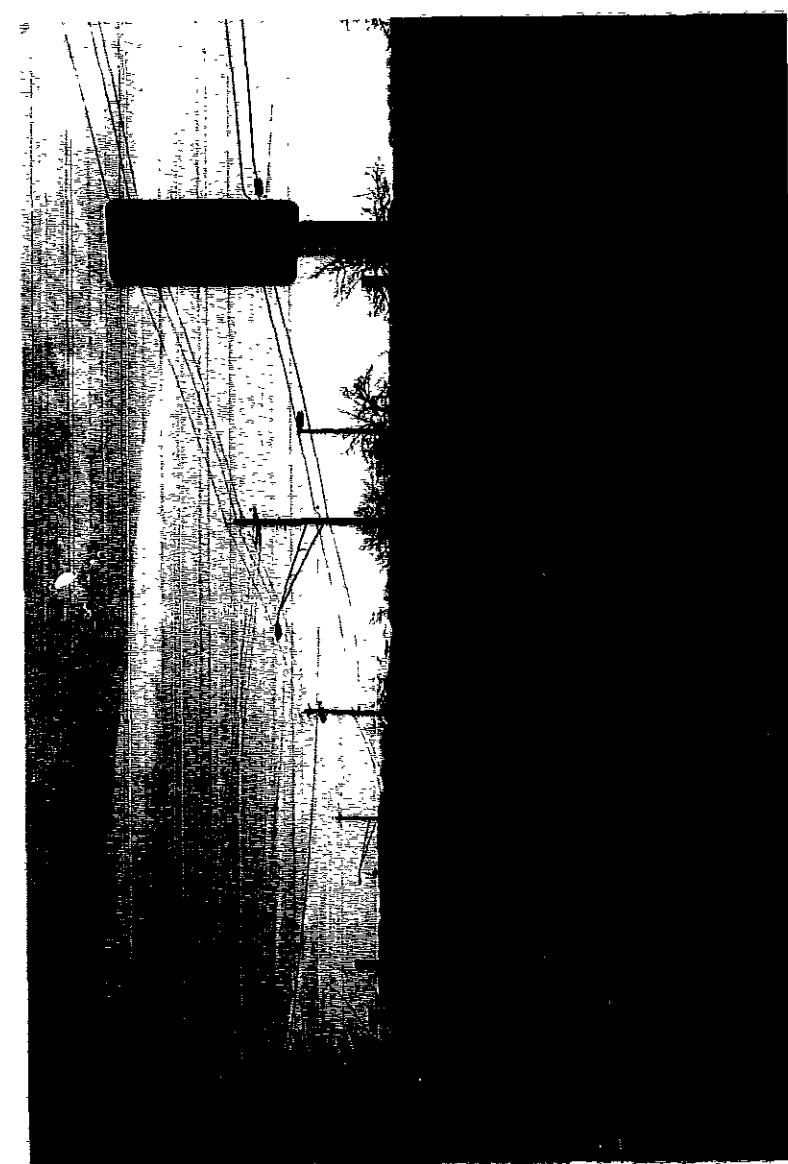


LL. Parking on SS of 1829 York Rd. - m  
side yard of Northampton Rd.

Att. 10/1/71



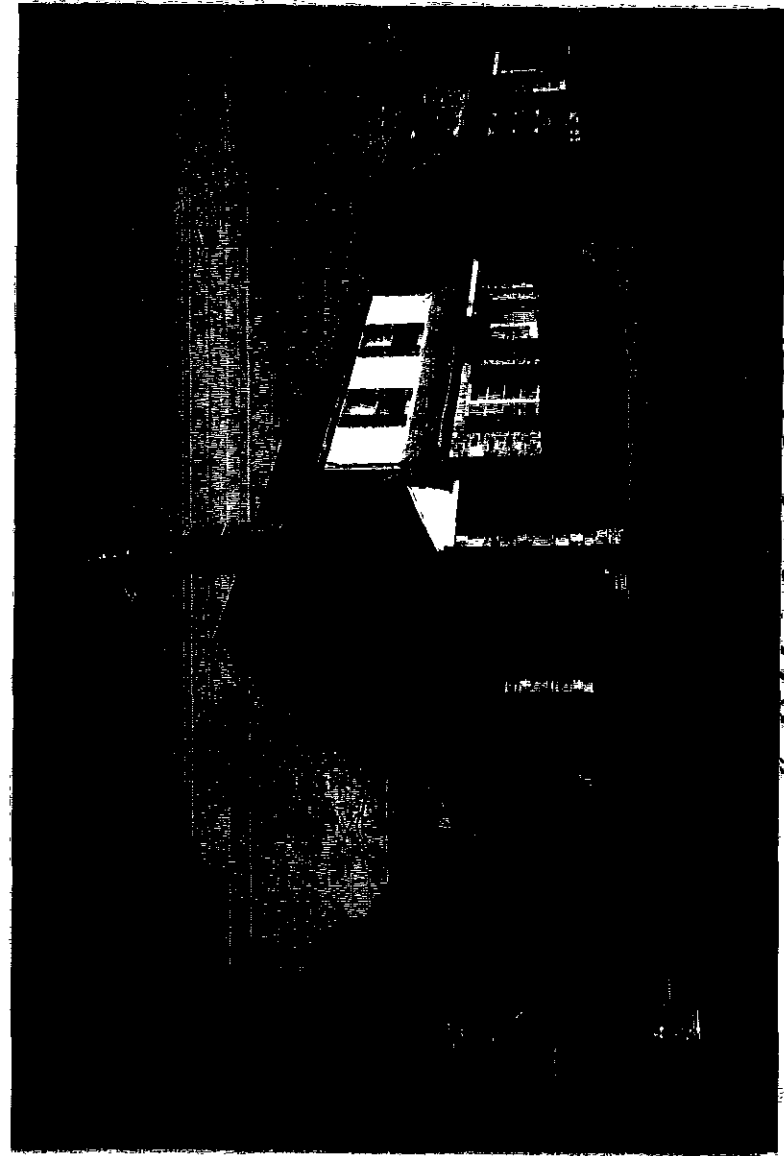
00. Looking N on York Rd. from SE/C  
of 1831 York Rd.



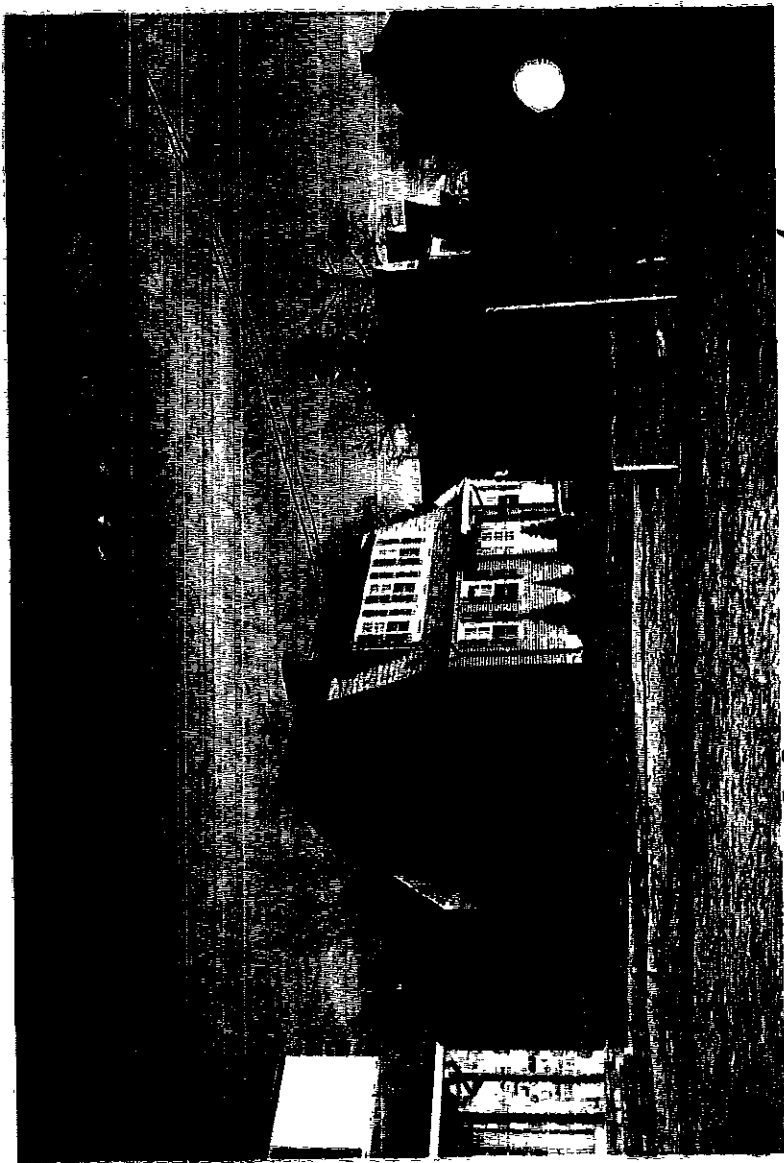
Looking S on York Rd. from SW/C  
of 1831 York Rd.

WN

5/11/11



PP Appraisal Office at 3210 of  
York Rd, 1835 York Rd.



QQ 1835 York Rd. and 1833 and 1831  
York Rd. looking SE

MICROFILMED

3) When applying for a building permit, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this order.

LEE & LINDA COSBY  
6819/40  
TAX ACCT. #0823037090

\*1840  
DWAYNE & BONNIE HALE  
8873/492  
TAX ACCT. #0815054050

\*1838 LOCUST RIDGE RD.  
GEORGE & GERTRUDE DIMLER  
4802/340  
TAX ACCT. #0804036220

ZONE OR 3.5  
ZONE RO

JOHN & BERNADETTE TONNEY  
6996/182  
TAX ACCT. #6002001250

10222/667 (FIRST MORTG.)  
TAX ACCT. #0810040710

GUS J. TOTTLES  
7643/259  
TAX ACCT. #0823000176

ZONE OR 3.5  
ZONE RO

AYLESBURY ROAD  
50' R/W

SIGN DETAIL  
SCALE: 1"=10'

ENCLOSED JUMP DESIGN  
(NON FLASHING)  
TO COMPLY WITH 2203.3 C.I.  
AND SECT. 413.1

DEVELOPMENT  
ENGINEERS, INC.

200 East Poplar Road  
Room 101 Steel Building  
London Maryland  
21000

1. ANNUITY OPEN SPACE BUFFER AREA REQUIREMENT 11.07 OF 7% WE 15
2. PROPOSED 0.50% SECT. 203.4 C.6
3. 100% RESIDENTIAL ZONED PROPERTY LANDSCAPE BUFFER 10 FT. OF 10 FT. WE ARE PROPOSING 5 FT. FRONT SECT. 203.4 C.6.2
4. PARKING SPACE PROVIDED 5 SPACES WE ARE PROPOSING 3
5. SECT. 413.1
6. SEE PETITION

ZONING VARIANCES GRANTED 2-24-25

2 YORK ROAD

YORK ROAD  
80' R/W

80' R/W

ZONE RO

PAL  
PARKING REQUIRED 33,000 SF 245,000 SF 8 UNIT  
PARKING PROVIDED 5 SPACES 100% EFFICIENCY

OWNER  
TERRANCE DEAN

PLANS APPROVED

DEPT. OF PERMITS & DEV. MGMT.

DATE 9/6/96

SEE LITRATED 9/6/96

EAST ELEVATION

SCALE: 1/8"=1'0"

NORTH ELEVATION

SCALE: 1/8"=1'0"

DENSITY CALCULATIONS

1. PROPERTY ZONED - R-O
2. GROSS AREA - 910,000 SF OR 0.21 AC.
3. NET AREA - 759,500 SF OR 0.173 AC.
4. EXISTING USE - VACANT
5. PROPOSED USE - CLASS 2 OFFICE BLDG. (1240.5 x 2495.53 SF.)
6. NO PREVIOUS ZONING HEARINGS.
7. NO PREVIOUS ZONING HEARINGS.
8. PUBLIC WATER, SEWER EXISTS IN ROAD
9. NOT IN CHESAPEAKE BAY CRITICAL AREA
10. COMMERCIAL DISTRICT 1
11. ELECTION DISTRICT 8
12. ELECTION AREA 545.40 x 254.00 = 138,551.60 SF
13. ELECTION AREA 545.40 x 254.00 = 138,551.60 SF
14. ELECTION AREA 545.40 x 254.00 = 138,551.60 SF
15. ELECTION AREA 545.40 x 254.00 = 138,551.60 SF
16. ELECTION AREA 545.40 x 254.00 = 138,551.60 SF
17. ELECTION AREA 545.40 x 254.00 = 138,551.60 SF
18. ELECTION AREA 545.40 x 254.00 = 138,551.60 SF
19. ELECTION AREA 545.40 x 254.00 = 138,551.60 SF
20. ELECTION AREA 545.40 x 254.00 = 138,551.60 SF

95-210-XA

PLAT TO ACCOMPANY SPECIAL  
EXCEPTION AND VARIANCES

1831 YORK ROAD

8TH ELECTION DISTRICT

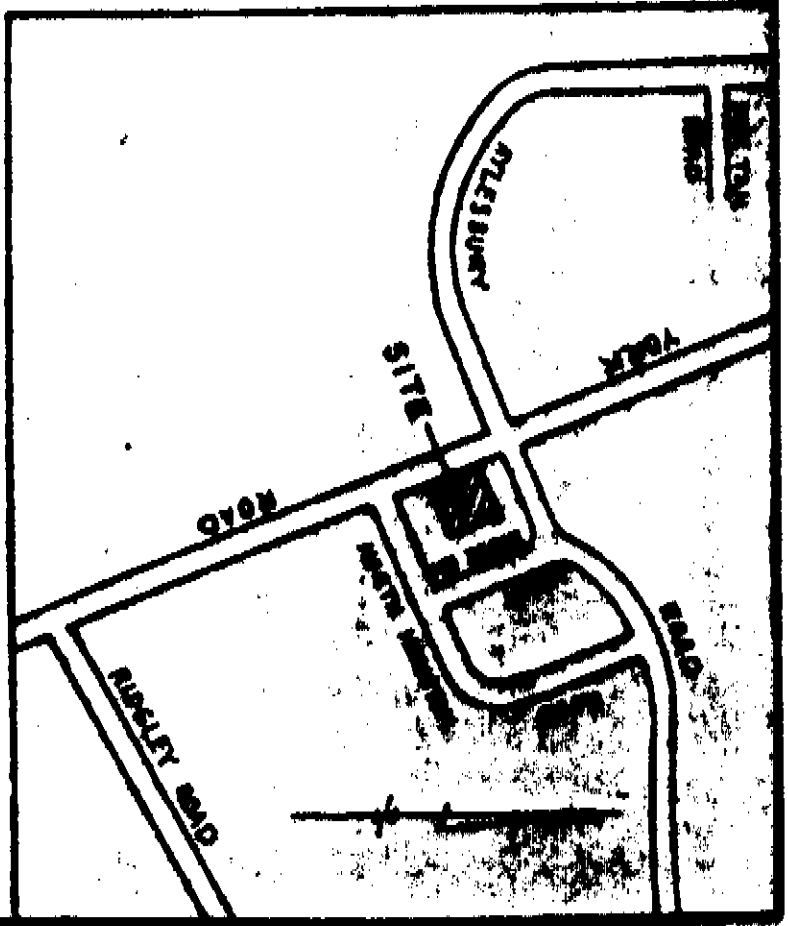
BALTIMORE COUNTY, MD.

DATE 11/95

403.17.1734 REV. 1-21-94

REV. 8-29-74 REV. 8-28-96

VICINITY MAP  
SCALE: 1"=500'



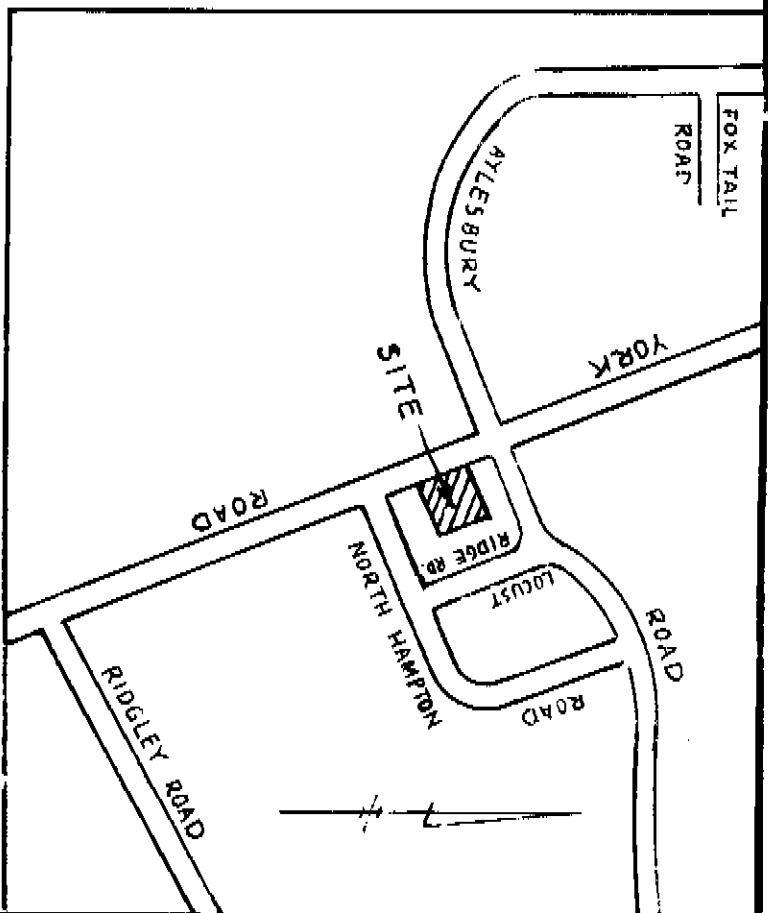


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VICINITY MAP  
SCALE: 1"=500'

201E DP 3.5  
ZONE RO

JOHN S. REPINDELL HOME  
6796/182  
TAX ACCT. # 0802701250

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AYLESBURY ROAD  
50' R/W

PROPOSED SIGN AND SECTION  
NON FLASHING/  
TO COMPLY WITH 203.3 C.I.  
AND SECT. 413.1  
SIGN  
SCALE: 1"=10'

SIGN DETAIL  
SCALE: 1"=10'

YORK ROAD  
80' R/W

YORK ROAD  
80' R/W

- AMENITY OPEN SPACE BUFFER AREA PRESERVEMENT IN LIEU OF 7% WE ARE
- PROPOSING 0. FROM SECT. 203.4 C.6
- NON RESIDENTIALLY ZONED PROPERTY LANDSCAPE BUFFER IN LIEU
- OF 10 FT. WE ARE PROPOSING 5 FT. FROM SECT. 203.4 C.6.2
- PARKING SPACE IN LIEU OF 5 FT. WE ARE PROPOSING 2 FT. FROM SECT. 409.6

LEGEND

EX. MAC PARKING AREA & 80'0"

GLASS AREA

EX. HOBBELOW

EAST ELEVATION  
SCALE: 1/8"=1'-0"

DENSITY CALCULATIONS

1. PROPERTY ZONED ZONE RO
2. GROSS AREA = 9.83 SQ. FT. OR 0.21 AC.
3. NET AREA = 7.93 SQ. FT. OR 0.173 AC.
4. EXISTING USE - VACANT
5. PROPOSED USE - CLASS "B" OFFICE BLDG. (1242.5 X 2 = 2485 SQ. FT.)
6. NO PREVIOUS ZONING HEARINGS.
7. NO PREVIOUS ZONING HEARINGS.
8. PROPOSED USE - SEVEN EMITS NO NOISE.
9. NOT IN CHESAPEAKE BAY CRITICAL AREA.
10. CONFLICT MAINT. DISTRICT = 4
11. ELECTION DISTRICT = 874
12. ANTHROPOGENIC DISTRICT AREA = 545.40 X 235.40 = 128,351.60 SQ. FT. = 2.93 AC. = 0.07% = 169.05 S.F.
13. PARK AREA = 2.33 X 5000 SQ. FT. = 11,650 SQ. FT. = 0.26 AC.
14. FLAT PROVIDED = 10.00 X 10.00 = 100 SQ. FT. = 0.0023 AC.
15. 500 SQ. FT. ZONING MAP - RM 13 A

PETITIONER'S  
EXHIBIT NO. 1

PLAT TO ACCOMPANY SPECIAL  
EXCEPTION AND VARIANCES

1831 YORK ROAD

8TH ELECTION DISTRICT  
BALTIMORE COUNTY, MD.

AUG. 17, 1994 REV. 9-22-94  
REV. 8-29-94

ZONING OFFICE USE ONLY  
REVIEWED BY ITEM# CASE #

#94-7478

MMH DEVELOPMENT  
ENGINEERS, INC.

200 East Joppa Road  
Room 101, Shell Building  
Towson, Maryland  
828-9060

#1842  
LEE & LINDA COSBY  
6919/42  
TAX ACCT. #0823037690

#1840  
DWAYNE & BONNIE HALE  
8873/472  
TAX ACCT. #0815054050

#1838 LOCUST RIDGE RD.  
GEORGE & GERTRUDE DIMLER  
4802/340  
TAX ACCT. #0804036220

JOHN & BERNADETTE TUONEY  
6796/182  
TAX ACCT. #6802001250

10222/667 (PAST MAPS)  
TAX ACCT. #0810248710

10222/667 (2nd MAPS)  
TAX ACCT. #0810248711  
0.173 AC. ± 10.25

GUS J. TSOOTLES  
7643/259  
TAX ACCT. #0823001176  
#1829

VICINITY MAP  
SCALE: 1"=500'

NORTH ELEVATION  
SCALE: 1/8"=1'-0"

PROPOSED OFFICE BLDG.

EAST ELEVATION  
SCALE: 1/8"=1'-0"

DENSITY CALCULATIONS

1. PROPERTY ZONED - R-O
2. GROSS AREA = 9189 SQ. FT. OR 0.211 AC. ±
3. NET AREA = 7539 SQ. FT. OR 0.173 AC. ±
4. EXISTING USE - VACANT
5. PROPOSED USE - CLASS "B" OFFICE BLDG. (1242.5 x 2 = 2485 SQ. FT.)
6. NO PREVIOUS COMMERCIAL PERMITS.
7. NO PREVIOUS ZONING HEARINGS.
8. PUBLIC WATER, SEWER EXISTS IN ROAD.
9. NOT IN CHESAPEAKE BAY CRITICAL AREA.
10. COUNCILMANIC DISTRICT = 4
11. ELECTION DISTRICT = 8TH
12. ELECTION (OPEN SPACE) AREA = 54.5 x 40 + 23.5 x 10 = 2465 S.F. x 0.071 = 167.05 S.F.
13. E.A.R. ALLOWED = 0.33 x 9250 SQ. FT. = 2722.5 SQ. FT.
14. F.A.R. PROVIDED = (35.0 x 25.5) x 0.2 = 2405 - 8250 = 0.30 1/2
15. 200' SCALE ZONING MAP - NW13A

95-210-XA

PLAT TO ACCOMPANY SPECIAL  
EXCEPTION AND VARIANCES

1831 YORK ROAD  
8TH ELECTION DISTRICT  
BALTIMORE COUNTY, MD.  
AUG. 17, 1994 REV. 9-22-94  
REV. 8-29-94

ZONING OFFICE USE ONLY  
REVIEWED BY ITEM# CASE #

- ZONING VARIANCES
1. AMENITY OPEN SPACE BUFFER AREA REQUIREMENT IN LIEU OF 7% WE ARE PROPOSING 0. FROM SECT. 203.4 C.6
  2. NON-RESIDENTIALLY ZONED PROPERTY LANDSCAPE BUFFER, IN LIEU OF 10 FT. WE ARE PROPOSING 5 FT. FROM SECT. 203.4 C.8.c.2
  3. PARKING SPACE, IN LIEU OF SPACES WE ARE PROPOSING 6 FROM SECT. 407.6
  4. SEE PETITION.

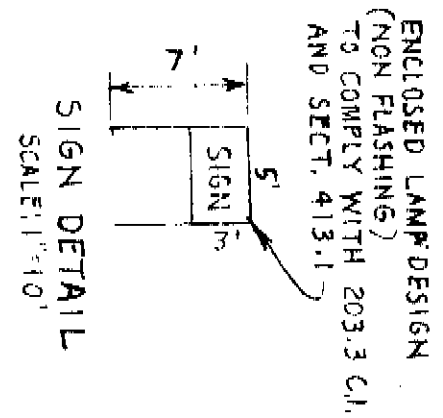
YORK ROAD  
80' R/W

POINT OF BEGINNING  
(PROPOSED  
25' ENTRANCE)

ZONE R-O  
ZONE ML-1M

PARKING (FL. AREA)  
PARKING REQUIRED = 33,100 S.F. 24.85 SQ. FT. = 8 SPACES  
PARKING PROVIDED = 6 SPACES (TO BE PERMANENTLY STRIPED)

OWNER  
TOWNSHOWN REALTY, INC.  
5310 YORK ROAD  
BALTIMORE, MARYLAND 21212  
(410) 433-3200



DEVELOPMENT  
ENGINEERS, INC.  
200 East Joppo Road  
Room 101, Steel Building  
Towson, Maryland  
21206-0006



Paul Lee, P.E.

Paul Lee Engineering Inc.  
301 W. Pennsylvania Ave.  
Towson, Maryland 21204  
410-521-5341

August 29, 1996

Mr. Arnold Jablon  
ZADM  
Baltimore County  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: #1831 York Road  
Case #95-210-XA

Dear Mr. Jablon:

On February 24, 1995, a Petition for a Special Exception with Variances for a Class B Office Building to be located on the above mentioned site was granted.

My client, Townsontowne Realty, Inc., has applied for a building permit for the above mentioned site and has been informed that it would be necessary to show the proposed walk system around the building to the existing entrance for the handicapped and the located of the proposed stairway for the proposed second floor entrance and exit. At the original hearing before the Zoning Commissioner, this information was not shown on the petition. Since the zoning had been granted, my client has engaged a Landscape Architect to design the Class B building shown on the location of the original petition. Since there was no building design prior to the original hearing, the entrances both for the handicapped entrance and second floor entrance were established with the Architect's plan. As a result of the above, we have been instructed to petition for a "Spirit and Intent Letter" that the walkways and entrances as shown would still meet with the spirit and intent of the original order.

As you can see, we have only added to the proposed Petition Site Plan the walkways and the entrances. I am, therefore, requesting that your office review our request that the revised plan, which shows the walkways in red, do meet the spirit and intent of the original zoning order. I am enclosing two copies of the plan for your use along with a check for \$40.00.

We would appreciate anything your office can do to grant us this request. If you need any additional information, please do not hesitate to contact this office.

Yours sincerely,

Paul Lee  
Paul Lee

Paul Lee

Paul Lee

Paul Lee

Paul Lee

Paul Lee

Paul Lee

Paul Lee

Paul Lee

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Paul Lee

Paul Lee

Paul Lee

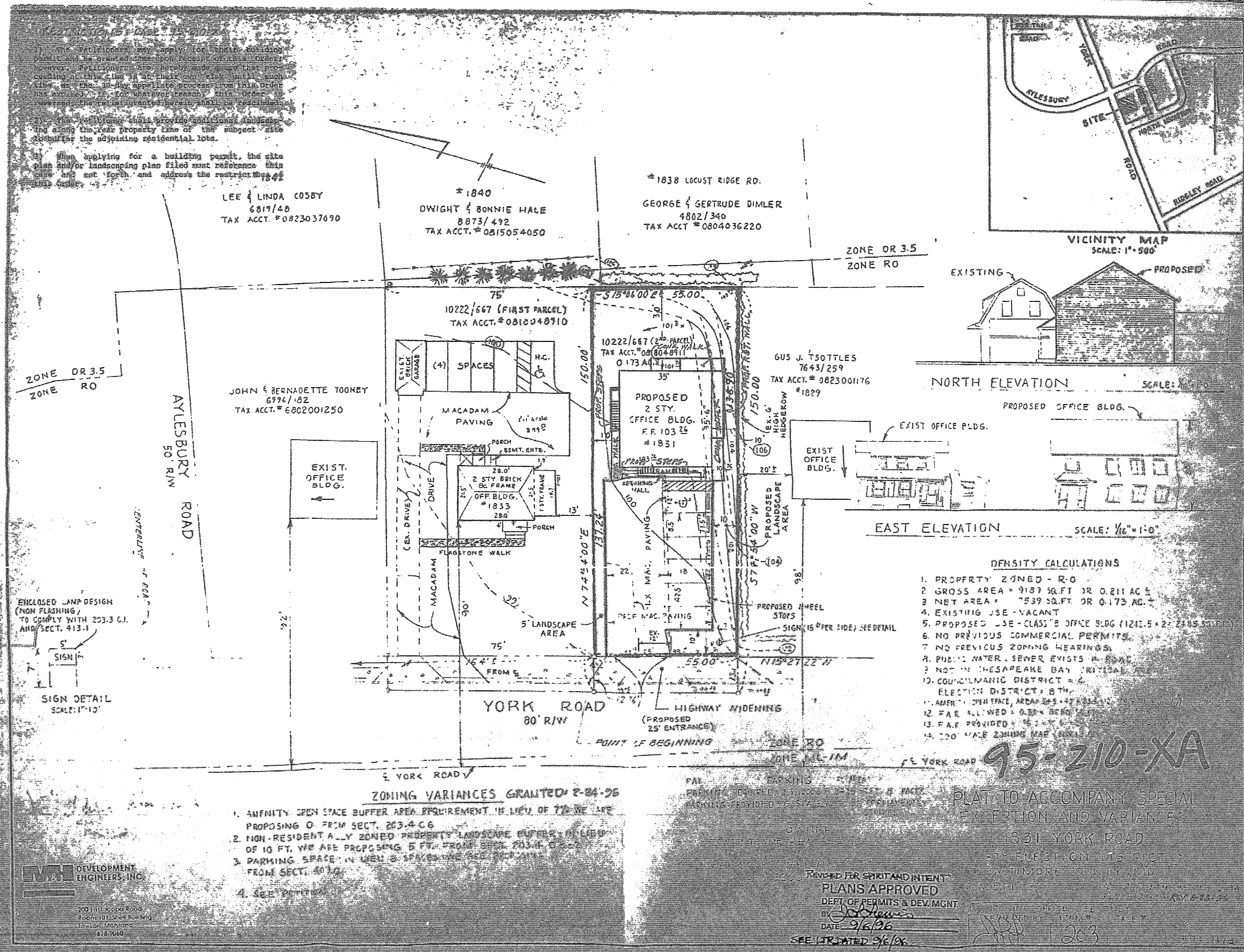
Paul Lee

Paul Lee

Paul Lee

96-4821 WCR  
9/14/96  
x0 JLL  
9/15/96  
CASHIER-J/L

DEAR MR. LEE:  
BASED ON THE INFORMATION PROVIDED AND THE FACT THAT THERE WERE NO PROTESTANTS IN THIS CASE (95-210-XA), THE RED LINED PLAN CHANGES ARE APPROVED. PLEASE DOCUMENT THIS RESPONSE ON ALL FUTURE PLANS.  
PL:tl  
Enclosures  
cc: Mr. Francis Chomo  
9/6/96  
Engineers - Surveyors - Site Planners





IN RE: PETITIONS FOR SPECIAL EXCEPTION \* BEFORE THE  
AND VARIANCE - E/S York Road, \* DEPUTY ZONING COMMISSIONER  
164' SE of Aylesbury Road  
(1831 York Road)  
8th Election District \* OF BALTIMORE COUNTY  
4th Councilmanic District \* Case No. 95-210-XA  
Towsontowne Realty, Inc.  
Petitioner \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as Petitions for Special Exception and Variance for that property known as 1831 York Road, located in the vicinity of Timonium. The Petitions were filed by the owner of the property, Towsontowne Realty, Inc., by Francis X. Cuomo Vice President, through their attorney, Newton A. Williams, Esquire. The Petitioner seeks a special exception for a Class B Office Building on the subject property, zoned R.O., and variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 203.4.C.6 to permit a parking area amenity open space of 0% in lieu of the required 7%; from Section 203.4.C.8.c.2 to permit a buffer against R.O. and non-residential zoned land of 5 feet in lieu of the required 10 feet; from Section 409.6 to permit 6 parking spaces in lieu of the required 8; and from Section 203.3.C.2 to permit off-street parking in the front yard in lieu of the required side or rear yard. The subject property and relief sought are more particularly described on the site plan submitted and marked into evidence as Petitioner's Exhibit 1.

Appearing on behalf of the Petitions were Francis X. Cuomo and Carmella Cuomo, principals of Towsontowne Realty, Inc., Vincent Moskunas with M & H Development Engineers, Inc., and Newton A. Williams, Esquire, attorney for the Petitioner. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of a gross area of 0.211 acres, more or less, zoned R.O. and is presently unimproved. The Petitioner proposes to develop the site with a Class B office building, in accordance with Petitioner's Exhibit 1. Testimony indicated that Mr. Cuomo is a State Farm Agent and that he wishes to relocate his office from its present location to the subject site. The proposed two-story office building will be built with a ramp at the front entrance so that it will be accessible to handicapped individuals. The elevations of the proposed building are depicted on Petitioner's Exhibit 1. Further testimony revealed that the Petitioner has met with the community surrounding this site to explain the improvements proposed for the subject property. Testimony indicated that the community does not object, as was evidenced by the fact that no one appeared in opposition to the relief requested. Furthermore, the Petitioner has satisfied the requirements set forth in the various Baltimore County reviewing agency comments.

It is clear that the B.C.Z.R. permits the use proposed in an R.O. zone by special exception. It is equally clear that the proposed use will not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any ad-

verse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

The B.C.Z.R., specifically Section 307.1, established a two-step process for the granting of variances. That two-step process was addressed and identified by the Court of Special Appeals in the case of Cromwell v. Ward, No. 617, September Term, 1994. The opinion in that case, issued January 4, 1995 and authored by the Honorable J. Cathell, interpreted our regulations to require the applicant to establish the following:

First, the Applicant (Petitioner) must prove, and this Deputy Zoning Commissioner must find, that the "property whereon structures are to be placed (or uses conducted) is -- in and of itself-- unique and unusual in a manner different from the nature of surrounding properties such that the uniqueness and peculiarity of the subject property causes the zoning provision to impact disproportionately upon that property."

I find from the testimony and evidence presented in this case that the subject property is unique, unusual and different from properties which surround the subject site so as to cause this applicable zoning provision to impact disproportionately upon this particular parcel of land.

Having satisfied this "first step" the Applicant (Petitioner) must proceed to the "second step" of this variance process, which is to show that strict compliance with the zoning regulations for Baltimore County would result in practical difficulty or unreasonable hardship.

The practical difficulty or unreasonable hardship guidelines that have been imposed by the Baltimore County Zoning Regulations (B.C.Z.R.) have been thoroughly examined and discussed by the appellate courts of this State. In Loyola Federal Savings and Loan Association v. Buschman, 227 Md. 243, 176 A.2d 355 (1961), the Court of Appeals considered the identical regulation to Section 307.1 of the B.C.Z.R.

As the Court noted: "Section 307 of the Regulations uses the two terms (practical difficulty or unreasonable hardship) in the disjunctive." Loyola Federal, p. 358. Thus, by the use of the term "or", Section 307 offers the Petitioner an opportunity to obtain its variance upon satisfaction of either the undue hardship or practical difficulty standard.

The distinction between these standards was clarified by the Court of Special Appeals in Anderson v. Board of Appeals, Town of Chesapeake Beach, 22 Md. App. 28, 322 A.2d 220 (1974). Within that opinion, the Court held that the undue hardship standard applies to a petition for a use variance. The Court noted that a use variance, which permits a use on the property other than that specifically permitted in that particular district, requires the imposition of a higher standard. That is, to allow the change of use for a particular property requires the Petitioner to demonstrate real hardship, where the land cannot allow a reasonable return if used only in accordance with the use restrictions of the ordinance.

Compared with this heavy burden, the Court reviewed the practical difficulty standard applicable for area variances. The Court characterized

area variances as having a much less drastic effect than use variances, in that they seek relief only from height, area, setback, or side property line restrictions and would not affect the property's use, per se. The Court envisioned the impact of area variances on the surrounding locale to be less than that generated by use variances, and thus, the lesser practical difficulty standard applies. The prongs of that standard which must be satisfied by the Petition, as enunciated in Anderson, supra, are as follows:

- 1) whether compliance with the strict letter of restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome;
- 2) whether a grant of the variance applied for would do substantial injustice to applicant as well as to other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson, p. 39. See also McLean v. Soley, 270 Md. 208 (1973) at pps. 214-215.

I find from the testimony and evidence presented at the hearing before me that the Applicants have in fact proven the practical difficulty standards as set forth above and that the variance requested should be granted. I further find that the granting of this variance is in strict harmony with the spirit and intent of the B.C.Z.R. and that the granting of this relief is accomplished without injury to the public health, safety or general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the special exception should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 24<sup>th</sup> day of February, 1995 that the Petition for Special Exception for a Class B Office Building on the subject property, zoned R.O., in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 203.4.C.6 to permit a parking area amenity open space of 0% in lieu of the required 7%; from Section 203.4.C.8.c.2 to permit a buffer against R.O. and non-residential zoned land of 5 feet in lieu of the required 10 feet; from Section 409.6 to permit 6 parking spaces in lieu of the required 8; and from Section 203.3.C.2 to permit off-street parking in the front yard in lieu of the required side or rear yard, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) The Petitioner shall provide additional landscaping along the rear property line of the subject site to buffer the adjoining residential lots.
- 3) When applying for a building permit, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that the Petitioner shall have five (5) years from the date of this Order in which to utilize the special exception granted herein.

TMK:bjs

*Timothy M. Kotroco*  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

February 24, 1995

Newton A. Williams, Esquire  
Nolan, Plumbhoff & Williams  
210 W. Pennsylvania Avenue, Suite 700  
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE  
E/S York Road, 164' SE of Aylesbury Road  
(1831 York Road)  
8th Election District - 4th Councilmanic District  
Towsontowne Realty, Inc. - Petitioner  
Case No. 95-210-XA

Dear Mr. Williams:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

*Timothy M. Kotroco*  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: Mr. Francis X. Cuomo, Vice President  
Towsontowne Realty, Inc., 5810 York Road, Baltimore, Md. 21212

People's Counsel

File





# Petition for Special Exception

to the Zoning Commissioner of Baltimore County  
for the property located at 1831 York Road  
which is presently zoned R.O.

This Petition shall be filed with the Office of Zoning Administration & Development Management.  
The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for Class B, Office Building.

Property is to be posted and advertised as prescribed by Zoning Regulations.  
I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Owner  
Towsontowne Realty, Inc.  
(Type or Print Name)  
Signature: Francis X. Cuomo, V.P.  
Signature: Francis X. Cuomo, Vice President  
Address: \_\_\_\_\_  
(Type or Print Name)  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zipcode: \_\_\_\_\_

5810 York Road, 433-3200  
Address: \_\_\_\_\_ Phone No: \_\_\_\_\_  
City: Baltimore, Maryland 21212 Zipcode: \_\_\_\_\_  
Name, Address and phone number of representative to be contacted:  
Newton A. Williams  
Nolan, Plumhoff & Williams, Chartered  
Signature: Newton A. Williams  
Signature: Newton A. Williams  
Address: 700 Court Towers  
210 W. Pennsylvania Avenue, 823-7800  
Towson, Maryland 21204 Phone No: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zipcode: \_\_\_\_\_

ESTIMATED LENGTH OF HEARING  
unavailable for hearing  
the following date: \_\_\_\_\_ Next Two Months  
ALL OTHER: \_\_\_\_\_  
REVIEWED BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
Do not act on Jan. 4, 5, 9, 13  
on same day as filing 200 or  
201, Please call Newton 823-7800



# Petition for Variance

to the Zoning Commissioner of Baltimore County  
for the property located at 1831 York Road  
which is presently zoned R.O.

This Petition shall be filed with the Office of Zoning Administration & Development Management.  
The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) \_\_\_\_\_

See Attached

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

See Attached

Property is to be posted and advertised as prescribed by Zoning Regulations.  
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Owner  
Towsontowne Realty, Inc.  
(Type or Print Name)  
Signature: Francis X. Cuomo, V.P.  
Signature: Francis X. Cuomo, Vice President  
Address: \_\_\_\_\_  
(Type or Print Name)  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zipcode: \_\_\_\_\_

5810 York Road, 433-3200  
Address: \_\_\_\_\_ Phone No: \_\_\_\_\_  
City: Baltimore, Maryland 21212 Zipcode: \_\_\_\_\_  
Name, Address and phone number of legal owner, contract purchaser or representative to be contacted:  
Newton A. Williams  
Nolan, Plumhoff & Williams, Chartered  
Signature: Newton A. Williams  
Signature: Newton A. Williams  
Address: 700 Court Towers  
210 W. Pennsylvania Ave., 823-7800  
Towson, Maryland 21204 Phone No: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zipcode: \_\_\_\_\_

ESTIMATED LENGTH OF HEARING  
unavailable for hearing  
the following date: \_\_\_\_\_ Next Two Months  
ALL OTHER: \_\_\_\_\_  
REVIEWED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

Variance Requests for 1831 York Road 95-210-XA

1. Parking area amenity open space of zero percent in lieu of the required seven percent, Section 203.4C.6.
2. A buffer against RO, non-residential zoning of five (5) feet in lieu of the required ten (10) feet, Section 203.4C.8.c.2.
3. A parking variance of six (6) spaces in lieu of the required eight (8) spaces, Section 409.6.
4. Farm Section 203.3.C.2. To PERMIT OFF STREET PARKING IN THE FRONT YARD IN LIEU OF THE SIDE OR REAR YARD.

7861C(1)

Reasons For Requested Variances  
At 1831 York Road

A. As to the amenity open space of seven (7%) percent in the parking lot:

1. The front parking lot is far too small to accommodate internal planting islands, and it would not be practical to place such island in the lot area.

B. As to the buffer against non-residentially zoned property at 1833 York Road, the property is also used for office purposes:

1. The width of the lot at 1831 York Road is too narrow at fifty five (55) feet to accommodate two ten foot buffers and a parking area, with an eighteen foot parking space and a twenty two foot aisleway.

2. Hence a decision was made to place the ten (10) foot buffer against the office property at 1829 York Road.

C. As to the parking space variance of six (6) spaces for eight (8) spaces required:

1. The front yard area is too small to accommodate eight spaces, and there is insufficient room to place a driveway beside the new building to reach the rear yard. With the required 30 foot rear yard and the required 10 feet from the York Road right-of-way line, there is only room for six parking spaces.

2. To place the parking in the rear would require side yard variances and impinge on the residential neighborhoods to the rear.

D. That without the requested variances, the Petitioner would sustain practical difficulty and unreasonable hardship.

E. That the requested variances are not harmful to the health, safety and welfare of the area involved.

7861C(2)

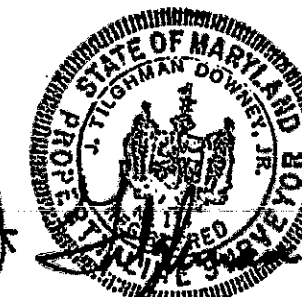
DEVELOPMENT  
ENGINEERS, INC.

200 East Joppa Road  
Room 101, Shell Building  
Towson, Maryland 21206  
(410) 828-9060

## DESCRIPTION OF PARCEL FOR SPECIAL EXCEPTION AND VARIANCES

BEGINNING at a point on the east side of York Road, 80 feet wide, at a distance of 164 feet, more or less, southeast of the centerline of Aylesbury Road, 50 feet wide; thence N 74° 54' 00" E, 137.24 feet; thence S 15° 06' 00" E, 55.00 feet; thence S 74° 54' 00" W, 136.90 feet to a point on the east side of York Road; thence along the east side of York Road N 15° 27' 22" W, 55.00 feet to the POINT OF BEGINNING, containing 0.173 of an acre, more or less, being known as No. 1831 York Road in the 8th Election District of Baltimore County.

Recorded in the Land Records of Baltimore County in Liber 10222 Folio 667.



J. Tilghman Downey

## CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 8th Date of Posting: 12/17/94  
Posted for: Special Exception & Variance  
Petitioner: Towsontowne Realty, Inc.  
Location of property: 1831 York Rd, 1831  
Location of Sign: Facing the City... on the left... facing the City  
Remarks: \_\_\_\_\_  
Posted by: [Signature] Date of return: 12/30/94  
Number of Signs: 1

## CERTIFICATE OF PUBLICATION

TOWSON, MD. Dec 25, 1994

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 consecutive weeks, the first publication appearing on Dec 22, 1994

THE JEFFERSONIAN

LEGAL AD - TOWSON

receipt  
95-210-XA

12/8/94

SPECIAL EXCEPTION FILING 050 - 300.00  
VARIANCE 020 - 250.00  
2 SIGNS 080 - 70.00  
TOTAL = \$ 620.00

OWNER: Towsontowne Realty, Inc.  
Loc 1831 York Rd.

RECEIVED  
BALTIMORE COUNTY  
ZONING DEPARTMENT  
111 West Chesapeake Avenue  
Towson, Maryland 21206

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

## ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

### PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

[Signature]  
ARNOLD JARLON, DIRECTOR

### For newspaper advertising:

Item No.: 203  
Petitioner: Towsontowne Realty, Inc.  
Location: 1831 York Road  
NAME: Towsontowne Realty, Inc.  
ADDRESS: 5810 York Road  
Towson, Md. 21204  
PHONE NUMBER: 433-3200

AJ:ggg

(Revised 04/09/94)



TO: PUPPINGTON PUBLISHING COMPANY  
December 22, 1994 Issue - Jeffersonian

Please forward billing to:

Towson Realty, Inc.  
5810 York Road  
Baltimore, Maryland 21212  
410-330-3200

#### NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-210-XA (Item 203)

1831 York Road  
E/S York Road, 164' SE of Aylesbury Road  
8th Election District - 4th Councilmanic  
Legal Owner(s): Towson Realty, Inc.  
HEARING: THURSDAY, JANUARY 19, 1995 at 11:00 a.m. in Room 106, County Office Building.

Special Exception for a Class B Office Building.  
Variance for parking area: existing open space of zero percent in lieu of the required 7 percent; a buffer against R.O., non-residential zoning of 5 feet in lieu of the required 10 feet; parking variance of 6 spaces in lieu of the required 8 spaces; and to permit off-street parking in the front yard in lieu of the side or rear yard.

LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

December 15, 1994

#### NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-210-XA (Item 203)

1831 York Road  
E/S York Road, 164' SE of Aylesbury Road  
8th Election District - 4th Councilmanic  
Legal Owner(s): Towson Realty, Inc.  
HEARING: THURSDAY, JANUARY 19, 1995 at 11:00 a.m. in Room 106, County Office Building.

Special Exception for a Class B Office Building.  
Variance for parking area: existing open space of zero percent in lieu of the required 7 percent; a buffer against R.O., non-residential zoning of 5 feet in lieu of the required 10 feet; parking variance of 6 spaces in lieu of the required 8 spaces; and to permit off-street parking in the front yard in lieu of the side or rear yard.

Arnold Jablon  
Director

203  
Towson Realty, Inc.  
Newton A. Williams, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Printed with Soybean Ink  
on Recycled Paper

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

January 12, 1995

Newton A. Williams, Esquire  
210 W. Pennsylvania Avenue  
Towson, Maryland 21204

RE: Item No.: 203  
Case No.: 95-210XA  
Petitioner: Towson Realty

Dear Mr. Williams:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by the Office of Zoning Administration and Development Management (ZADM), Development Control Section on December 8, 1994.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.  
Zoning Supervisor

WCR/jw  
Attachment(s)

Printed with Soybean Ink  
on Recycled Paper

Baltimore County Government  
Fire Department



700 East Joppa Road Suite 901  
Towson, MD 21286-5500

(410) 887-4500

DATE: 11/15/94

TO: Mr. Williams  
FROM: Mr. Williams  
SUBJECT: 1831 York Road  
E/S York Road, 164' SE of Aylesbury Road  
8th Election District - 4th Councilmanic  
Legal Owner(s): Towson Realty, Inc.  
HEARING: THURSDAY, JANUARY 19, 1995 at 11:00 a.m. in Room 106, County Office Building.

RE: 1831 York Road, E/S York Road, 164' SE of Aylesbury Road

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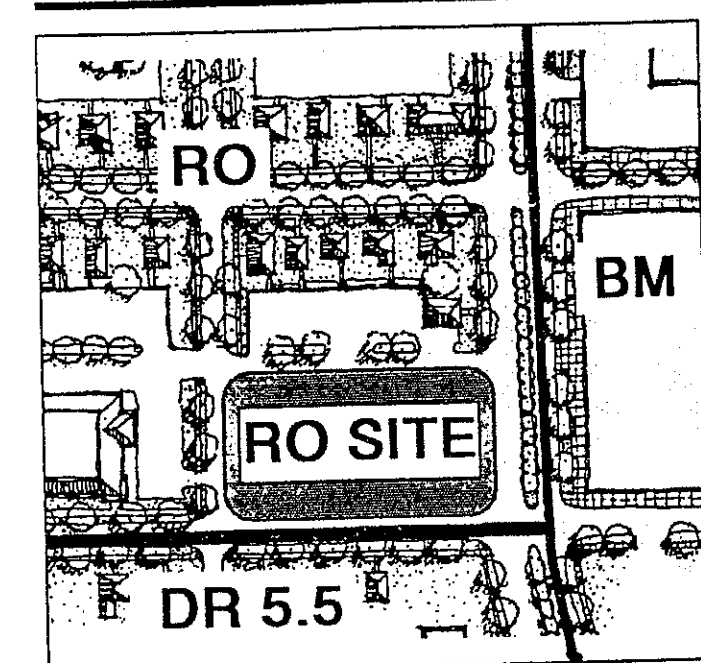


## Introduction

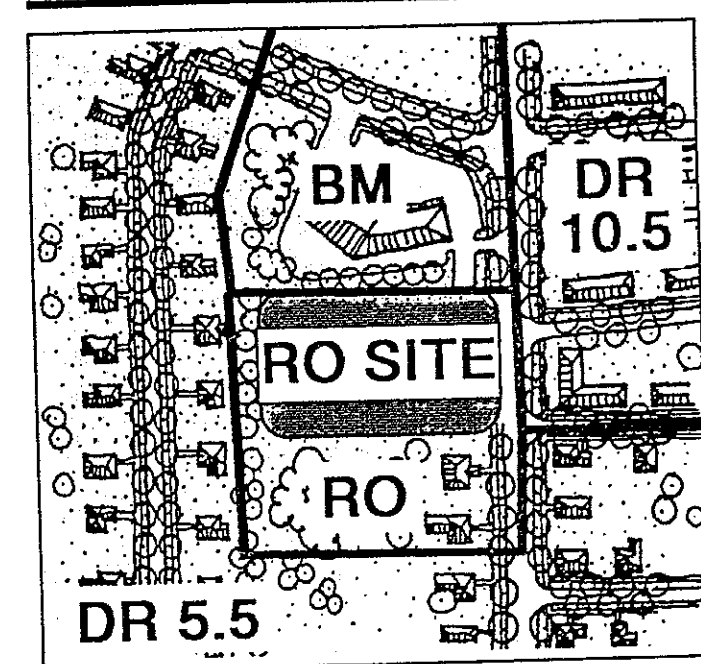
### ZONING CONTEXT for each SITE EXAMPLE

Each site is located adjacent to a Density Residential zone and a Business and/or Office zone. Generally, each zoning pattern is consistent with many sites zoned for office uses in Baltimore County.

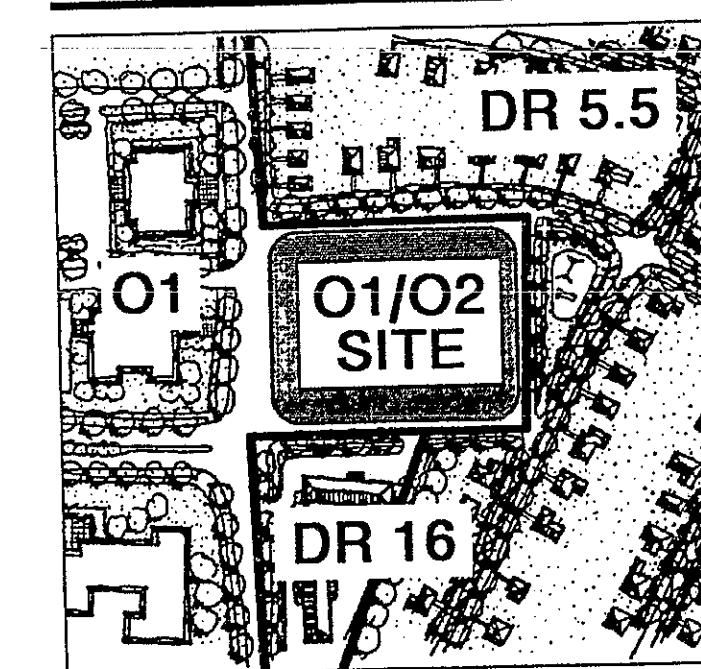
#### RO 'URBAN' SITE



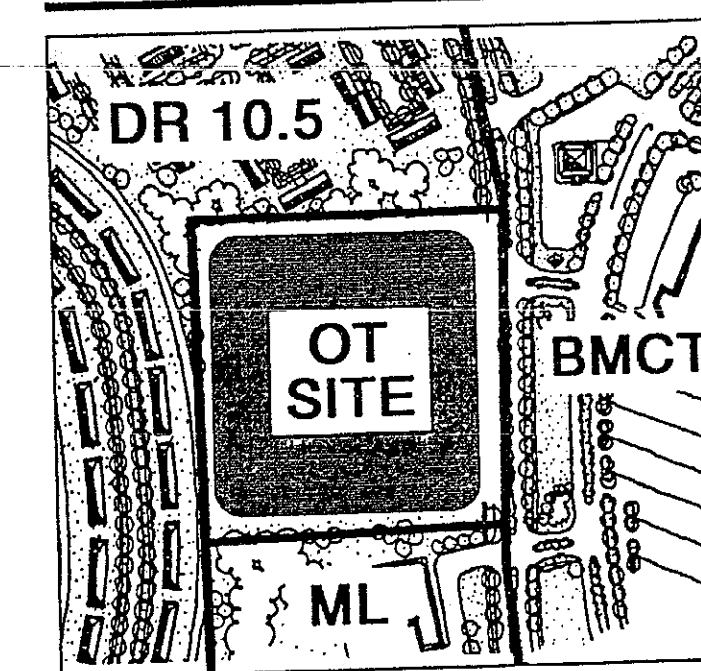
#### RO 'SUBURBAN' SITE



#### O1/O2 SITE



#### OT SITE



OFFICE COMPATIBILITY 5

FROM THE OFFICE OF  
GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC.  
ENGINEERS  
618 KENILWORTH DRIVE, SUITE 100, TOPSON, MARYLAND 21204

### DEVELOPER'S NOTIFICATION LETTER TO THE COMMUNITY

Dear Resident,

Baltimore County has enacted legislation that has substantially revised the County's Development Regulations. A Community Input Meeting (CIM) is one of the initial mandatory prerequisites to the development approval process.

The Baltimore County Office of Planning and Zoning has identified you to be notified of a CIM scheduled as follows:

NAME OF DEVELOPMENT: 1830 York Road

MEETING DATE/TIME: September 14, 1994 8:00 PM

Meeting Place: Ridgely Middle School  
121 Ridgely Road  
Lutherville, Md. 21093

The purpose of the CIM is to share with you our concept plan and provide a forum for the discussion and resolution of community concerns. The CIM will be conducted by a representative of the Office of Zoning Administration and Development Management, Baltimore County, who will record minutes and prepare a list of questions and comments discussed at the meeting.

The major features of the proposed development will be presented and used as the basis for discussion at the CIM. Your participation will assist us and Baltimore County in achieving a resolution to any development matters that may arise. Your concerns will become part of the planning process and be included in the permanent county record for this project.

Please understand that no decision regarding the approval of the project will be made at this time. The CIM simply provides an opportunity for the community to share in the discussion well in advance of the preparation of a development plan. The filing of the development plan will require a public notice to be posted on the property in accordance with County law before any decision may be rendered by the Hearing Officer at a subsequent development plan hearing.

The meeting will begin promptly at the designated time; however, we will be available one-half hour before the CIM so that you may review the plan and comments informally with our engineer and county staff. With your input, I am confident that we will be able to create a development project that will be an asset to the community.

Respectfully yours,

*Sam C. Cooper*

Enclosures: (1) Concept Plan  
(2) County agency comments

PLEASE PRINT CLEARLY

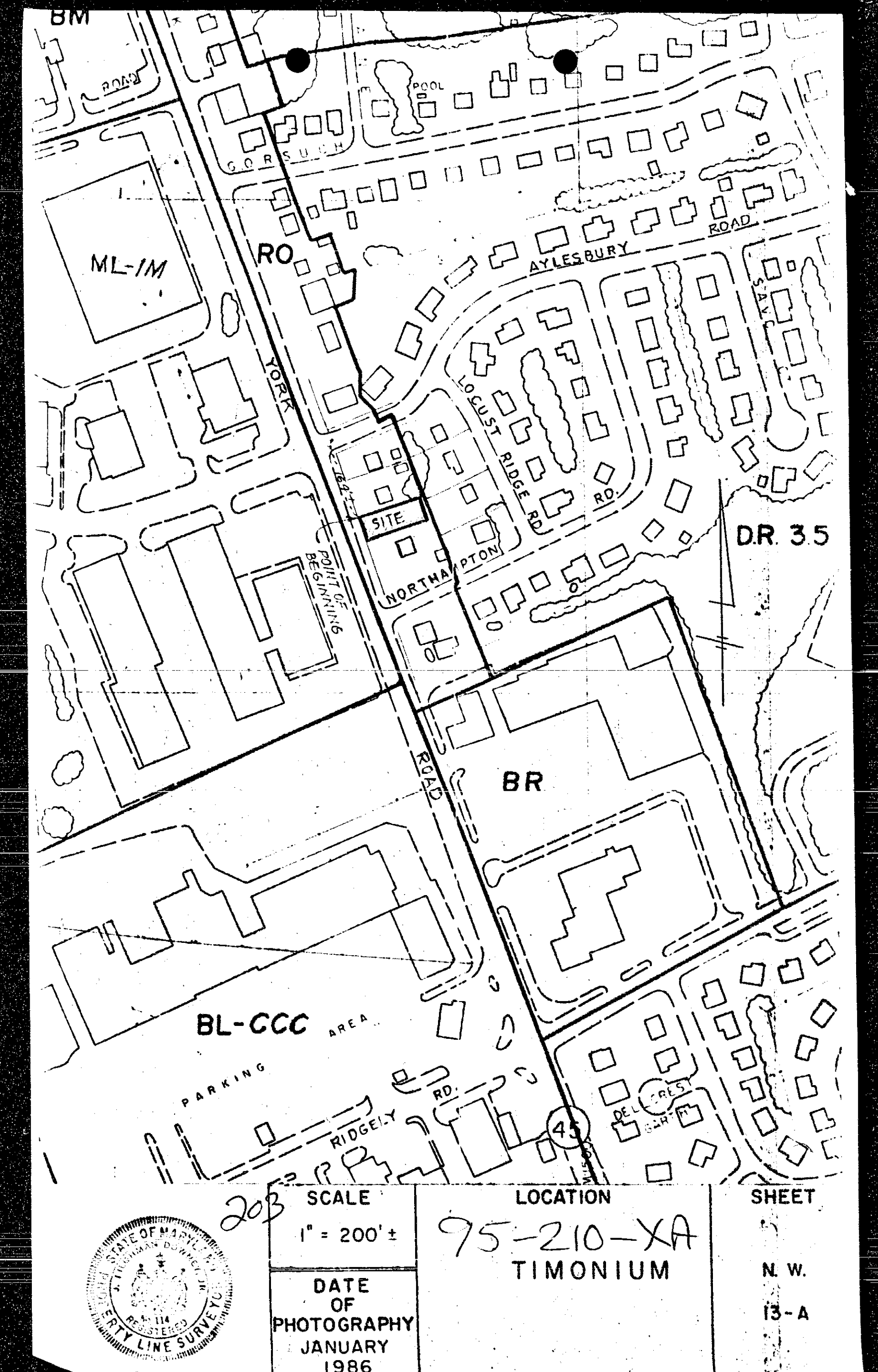
PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Carmella Cuomo  
Francis X. Cuomo  
Vincent Moskunas

511 E. Seminary Ave.  
511 E. Seminary Ave. 2nd Fl.  
MINOR DEVELOPMENT, ENG. INC.  
#200 E. JORDAN RD. 41206



DEC-27-'94 TUE 15:12 ID:PLANNING

TEL:410-897-5662

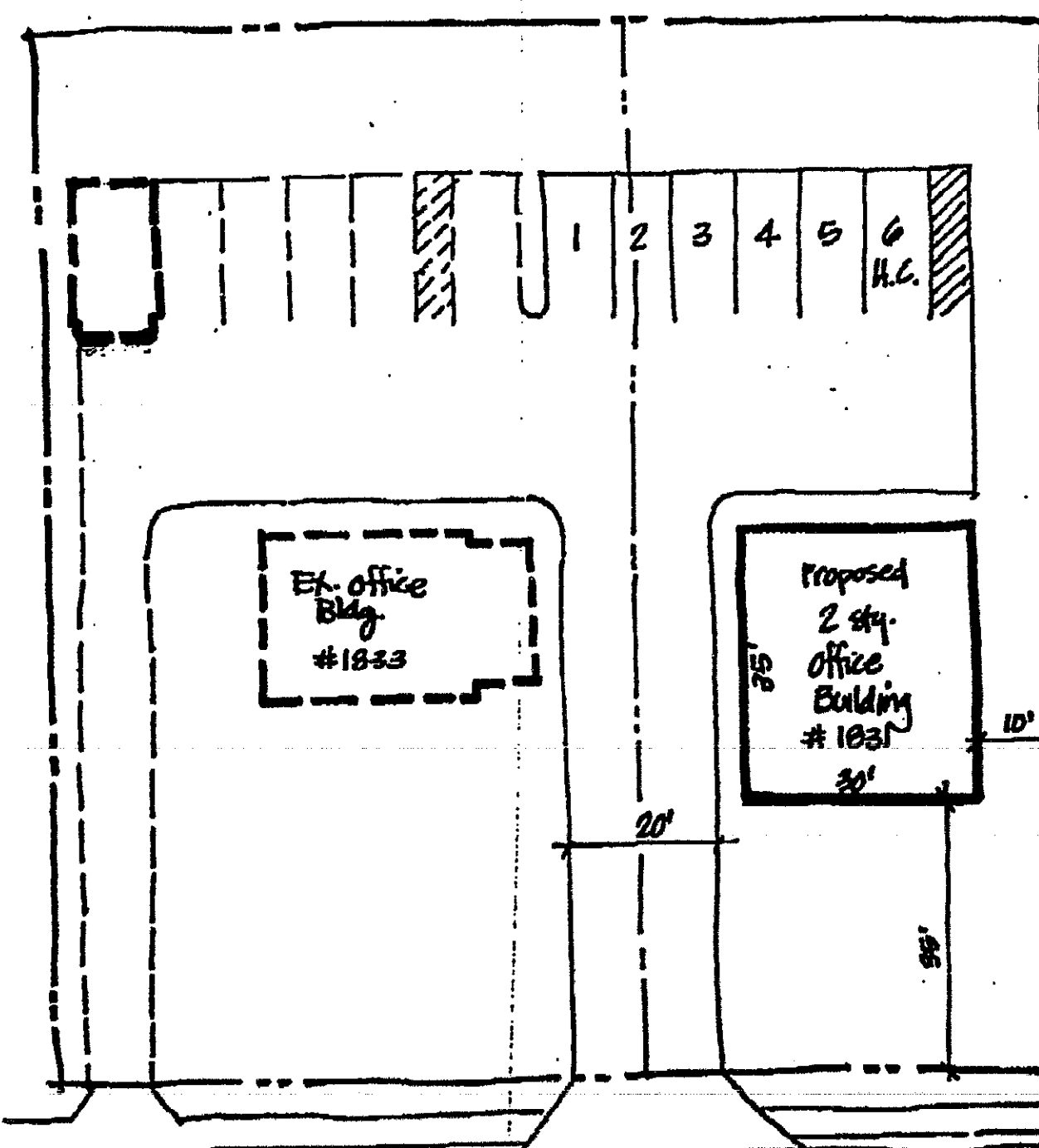
#179 P02

### #1831 YORK ROAD

#### PROPOSED SITE PLAN

Parking in the rear, shared access drive

Baltimore County Office of Planning & Zoning  
Dec. 27, 1994



YORK ROAD

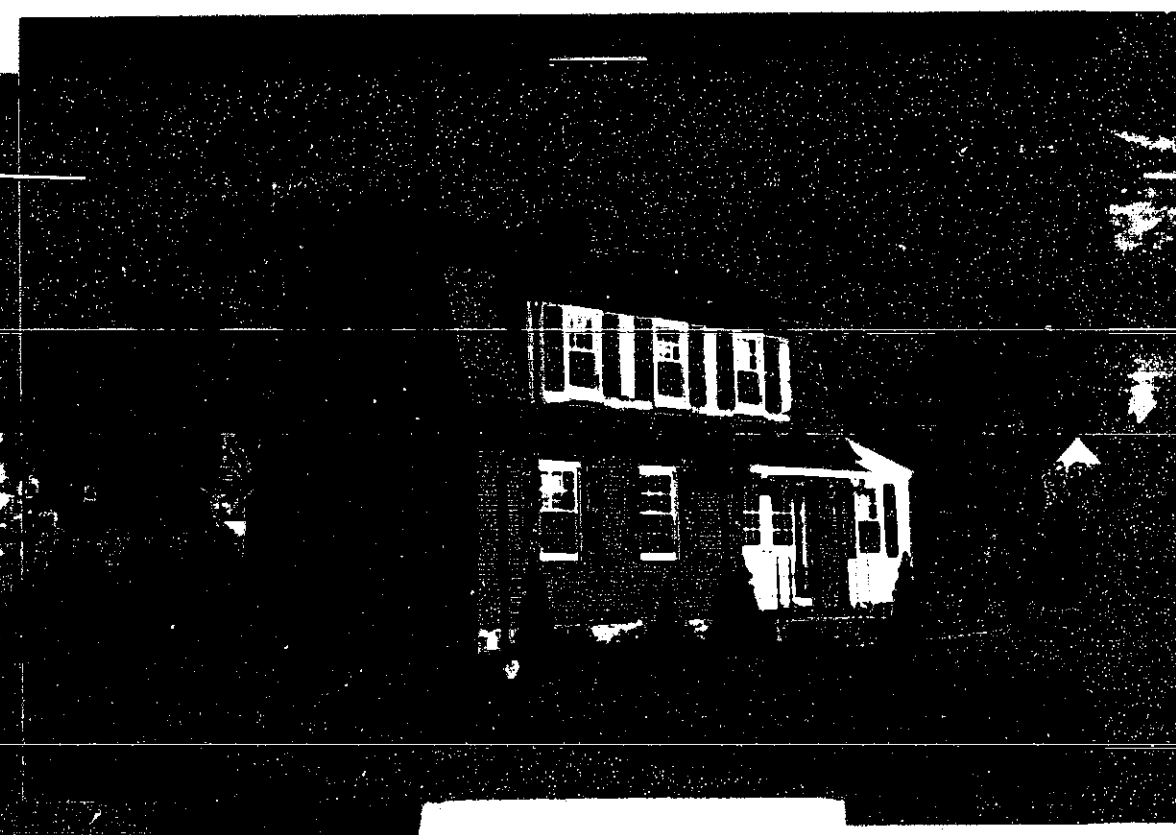
PETITIONER'S  
EXHIBIT NO. 3



00. Lot at 1831 York Rd. - Subject site



AA.



1833 York Rd.



Lot - 1831 York Rd.



CC SE/C- Lot 1831  
York Rd.



Same as EE more  
to S

Notice Please  
make 4 sets for  
NAW for 11A.M.  
Case Thanks,  
File # 3996/01

Cuomo Properties  
1831 York Rd. - 95-210 XA.  
1833 York Rd.  
Jan., 1995.

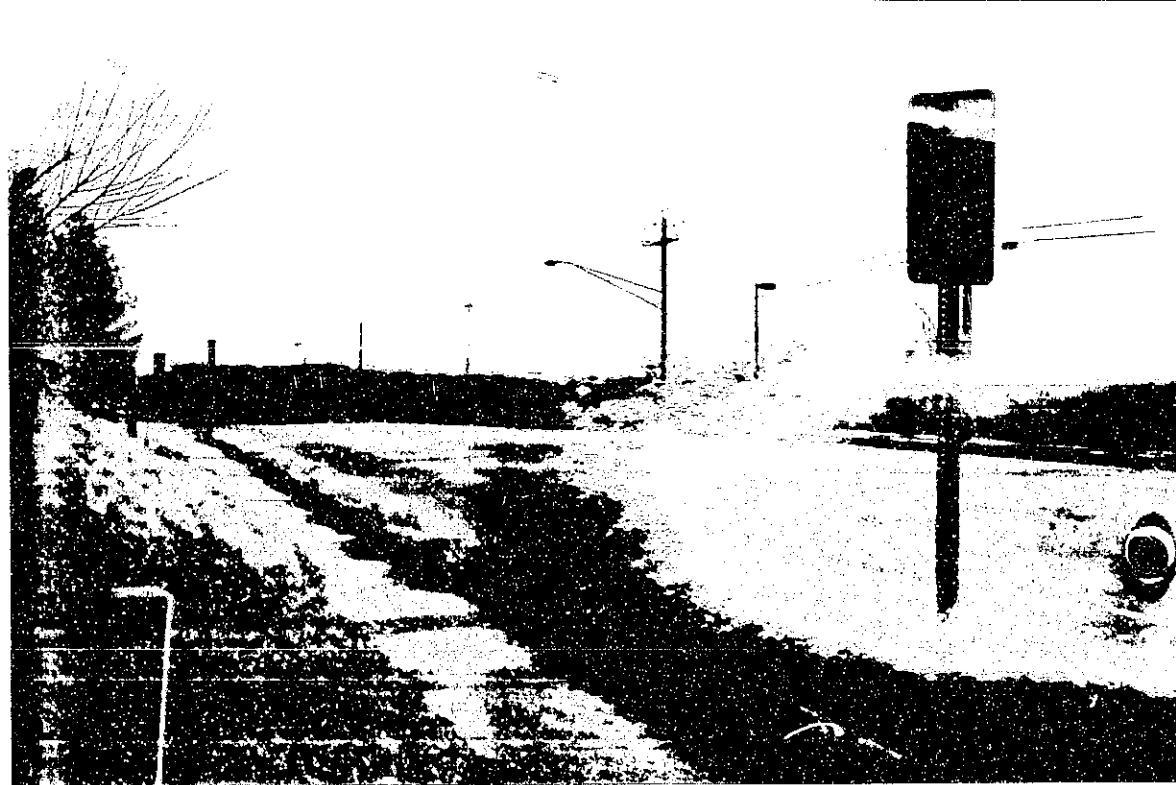
PETITIONER'S  
EXHIBIT NO. 2

EE  
Planting a fence in  
near by 1833 York Rd.





FF Looking S on  
E 15 York from  
1829 York Rd.



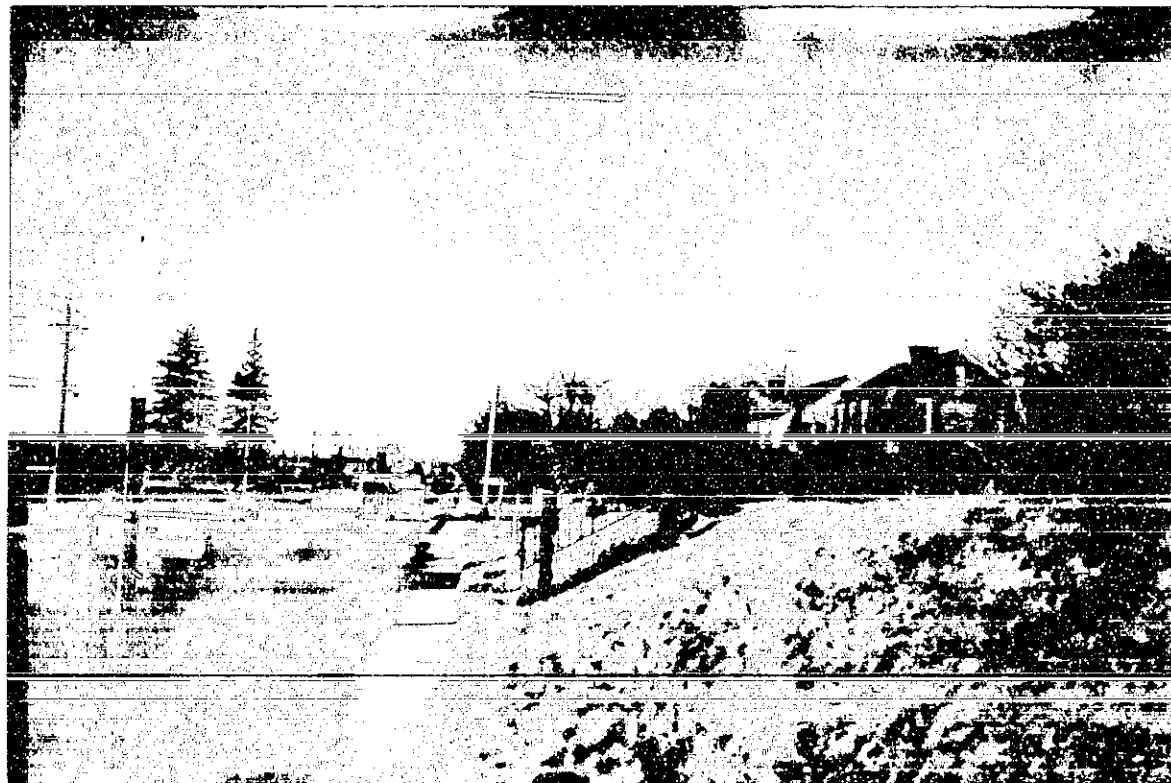
GG Looking S on York Rd.  
from 1831 York Rd.



II High lot, shrubs at  
1829 York Rd.  
obscuring 1831,  
subject site



W. 1833 York Rd. from  
in front of 1829,  
looking NE.



HH  
Looking N on  
York Rd from  
1829 York Rd.



Subject lot at  
1831 from 1829  
corner.



LL Parking on SE of 1829 York Rd. - on  
side yard of Northampton Rd.



MM, Parking in rear on SE of York Rd.  
and Northampton Rd.



NN Looking S on York Rd. from SE of  
1831 York Rd.



OO Looking N on York Rd. from SE of  
1831 York Rd.



PP Appraisal Office at SE of  
York Rd, 1835 York Rd.



QQ 1835 York Rd. and 1833 and 1831  
York Rd. looking SE



# 842  
J. J. & L. J. CO. INC.  
6819/4P  
TAX ACT # 088307776

# 840  
J. J. & L. J. CO. INC.  
6819/4P  
TAX ACT # 088307776

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# 840  
J. J. & L. J. CO. INC.  
6819/4P  
TAX ACT # 088307776

ZONE DR 3.5  
RO

JOHN & BONNETTE TONNEY  
6996/102  
TAX ACT # 602001250

1002.607 (FIRST PARCEL)  
TAX ACT # 0810040910

EXIST. OFFICE BLDG.  
PAVING  
MACADAM DRIVE  
5' LANDSCAPE AREA

PROPOSED 2 STY. OFFICE BLDG.  
F.F. 103.25  
# 1831

605 J. T. TONNETT  
7643/259  
TAX ACT # 082001176

ZONE DR 3.5  
RO

EXISTING  
VICTORY MAP  
SCALE: 1"=500'

NORTH ELEVATION

PROPOSED OFFICE BLDG.  
SCALE: 1/4"=10'

ZONE DR 3.5  
RO

JOHN & BONNETTE TONNEY  
6996/102  
TAX ACT # 602001250

EXIST. OFFICE BLDG.  
PAVING  
MACADAM DRIVE  
5' LANDSCAPE AREA

PROPOSED 2 STY. OFFICE BLDG.  
F.F. 103.25  
# 1831

605 J. T. TONNETT  
7643/259  
TAX ACT # 082001176

EXISTING  
VICTORY MAP  
SCALE: 1"=500'

ZONE DR 3.5  
RO

JOHN & BONNETTE TONNEY  
6996/102  
TAX ACT # 602001250

EXIST. OFFICE BLDG.  
PAVING  
MACADAM DRIVE  
5' LANDSCAPE AREA

PROPOSED 2 STY. OFFICE BLDG.  
F.F. 103.25  
# 1831

605 J. T. TONNETT  
7643/259  
TAX ACT # 082001176

EXISTING  
VICTORY MAP  
SCALE: 1"=500'

### ZONING VARIANCES

- AMENITY OPEN SPACE BUFFER AREA REQUIREMENT IN LIEU OF 7% WE ARE PROPOSING 0. FROM SECT. 203.4 C.6
- NON-RESIDENTIALLY ZONED PROPERTY LANDSCAPE BUFFER IN LIEU OF 10 FT. WE ARE PROPOSING 5 FT. FROM SECT. 203.4 C.6c2
- PARKING SPACE IN LIEU OF SPACES WE ARE PROPOSING 6 FROM SECT. 409.6

OWNER:  
TOWSONTOWNE REALTY, INC.  
5910 YORK ROAD  
BALTIMORE, MARYLAND 21212  
(410) 433-3200

PARKING (PL. AREA)  
PARKING REQUIRED: 3,310.00 S.F. 24.85 S.A.F.T. 8 SPACES  
PARKING PROVIDED: 6 SPACES (TO BE PERMANENTLY STRIPED)

### PETITIONER'S EXHIBIT NO. 1

### PLAT TO ACCOMPANY SPECIAL EXCEPTION AND VARIANCES

1821 YORK ROAD  
8TH ELECTION DISTRICT  
BALTIMORE COUNTY, MD.  
SCALE: 1"=20'

DATE: 8/27/94  
REV: 8/27/94  
REV: 8/27/94

DESIGNED BY: [NAME]  
CHECKED BY: [NAME]  
DATE: 8/27/94

# 842  
J. J. & L. J. CO. INC.  
6819/4P  
TAX ACT # 088307776

# 840  
J. J. & L. J. CO. INC.  
6819/4P  
TAX ACT # 088307776

# 840  
J. J. & L. J. CO. INC.  
6819/4P  
TAX ACT # 088307776

# 840  
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ZONE DR 3.5  
RO

JOHN & BONNETTE TONNEY  
6996/102  
TAX ACT # 602001250

1002.607 (FIRST PARCEL)  
TAX ACT # 0810040910

EXIST. OFFICE BLDG.  
PAVING  
MACADAM DRIVE  
5' LANDSCAPE AREA

PROPOSED 2 STY. OFFICE BLDG.  
F.F. 103.25  
# 1831

605 J. T. TONNETT  
7643/259  
TAX ACT # 082001176

ZONE DR 3.5  
RO

EXISTING  
VICTORY MAP  
SCALE: 1"=500'

NORTH ELEVATION

PROPOSED OFFICE BLDG.  
SCALE: 1/4"=10'

ZONE DR 3.5  
RO

JOHN & BONNETTE TONNEY  
6996/102  
TAX ACT # 602001250

EXIST. OFFICE BLDG.  
PAVING  
MACADAM DRIVE  
5' LANDSCAPE AREA

PROPOSED 2 STY. OFFICE BLDG.  
F.F. 103.25  
# 1831

605 J. T. TONNETT  
7643/259  
TAX ACT # 082001176

EXISTING  
VICTORY MAP  
SCALE: 1"=500'

ZONE DR 3.5  
RO

JOHN & BONNETTE TONNEY  
6996/102  
TAX ACT # 602001250

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7643/259  
TAX ACT # 082001176

EXISTING  
VICTORY MAP  
SCALE: 1"=500'

### ZONING VARIANCES

- AMENITY OPEN SPACE BUFFER AREA REQUIREMENT IN LIEU OF 7% WE ARE PROPOSING 0. FROM SECT. 203.4 C.6
- NON-RESIDENTIALLY ZONED PROPERTY LANDSCAPE BUFFER IN LIEU OF 10 FT. WE ARE PROPOSING 5 FT. FROM SECT. 203.4 C.6c2
- PARKING SPACE IN LIEU OF SPACES WE ARE PROPOSING 6 FROM SECT. 409.6

OWNER:  
TOWSONTOWNE REALTY, INC.  
5910 YORK ROAD  
BALTIMORE, MARYLAND 21212  
(410) 433-3200

PARKING (PL. AREA)  
PARKING REQUIRED: 3,310.00 S.F. 24.85 S.A.F.T. 8 SPACES  
PARKING PROVIDED: 6 SPACES (TO BE PERMANENTLY STRIPED)

### PETITIONER'S EXHIBIT NO. 1

### PLAT TO ACCOMPANY SPECIAL EXCEPTION AND VARIANCES

1821 YORK ROAD  
8TH ELECTION DISTRICT  
BALTIMORE COUNTY, MD.  
SCALE: 1"=20'

DATE: 8/27/94  
REV: 8/27/94  
REV: 8/27/94

DESIGNED BY: [NAME]  
CHECKED BY: [NAME]  
DATE: 8/27/94